

# JOURNAL OF THE FLORIDA SENATE

Tuesday, May 29, 1973

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—35:

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Pettigrew   | Sykes    |
| Brantley      | Gruber      | Plante      | Vogt     |
| Childers      | Johnson     | Poston      | Ware     |
| Deeb          | Johnston    | Saunders    | Weber    |
| Firestone     | Lane (31st) | Saylor      | Williams |
| Gallen        | Lane (23rd) | Scarborough | Wilson   |
| Gillespie     | Lewis       | Sims        | Winn     |
| Glisson       | McClain     | Smathers    | Zinkil   |
| Gordon        | Peterson    | Stolzenburg |          |

Excused: Senator Henderson until 9:35 a.m., Senator de la Parte until 9:30 a.m. and, periodically, the following conferees on SB 1343: Senators Saunders, Williams, Plante, Childers, Trask, Myers and Vogt.

The Senate Chaplain, Dr. Robert M. McMillan, presented The Reverend J. Hilton Olive, Pastor, Fifth Avenue Baptist Church, St. Petersburg who delivered the following prayer:

Dear God and Father of all mankind, to Thee we lift our hearts in adoration and thanksgiving. We exalt Thee as the Author of life, Sustainer of our daily existence and Hope for the years to come. Forgive us our sins and the moral confusion of our nation as we repent personally and nationally because Your word says, "Righteousness exalts a nation, but sin is a reproach to any people (Proverbs 13:34)." We also thank you for the privilege of honoring man by making him in Your image... sharing Your love and responsibility. You have honored us by calling us into this place of leadership as a sacred trust for our brothers. Thank you, Father, for our Governor and his commitment to Jesus Christ, his family, church and to the people of this State. I lift up these men and women to a place unattainable in their own strength, for wisdom, compassion and courage to legislate with justice and mercy. Sanctify them in Thy service. The pressures of this day are our opportunities. May each of us personally seek Your face. God make each of us intensely spiritual and perfectly natural. May Your will be done in the Council Hall of this Senate as Your will is done in the Council of Heaven. Bless the dear people of our State; the young, the old, the sick, the poor, the illiterate, the strong, the rich, the wise. Thank you for the heritage of the past and guide our steps today, so that the future will be brighter for all men, in the name of our Lord. Amen.

## REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Tuesday, May 29, 1973:

|                            |                |
|----------------------------|----------------|
| SB 712                     | SB 345         |
| CS for HB 734              | HB 1905        |
| SB 1090                    | SB 834         |
| SB 462                     | HB 1906        |
| SB 593                     | SB 1322        |
| SB 296                     | CS for HB 1016 |
| HCR 1039                   | SB 1236        |
| SB 945                     | SB 809         |
| HB 32                      | CS for HB 1289 |
| HB 311                     | SB 817         |
| SB 469                     | CS for HB 1017 |
| SB 127                     | SB 1074        |
| HB 589                     | SB 362         |
| HB 1423                    | HB 1032        |
| CS for CS for HB 315 & 376 |                |

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

|                                |                                 |
|--------------------------------|---------------------------------|
| SB 370 with 2 House amendments | SB 434 with 11 House amendments |
|--------------------------------|---------------------------------|

—reports that the House amendments have been incorporated and the bills are returned herewith.

*ELMER O. FRIDAY, Secretary*

The bills were ordered enrolled.

Your Engrossing Clerk to whom was referred CS for SB 835 with 5 Senate amendments and 3 House amendments—reports that the Senate and House amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY, Secretary*

The bill was ordered enrolled.

Your Engrossing Clerk to whom was referred—

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| SB 332 with 8 Senate amendments       | SB 1134 with 2 Senate amendments  |
| SB 445 with 5 Senate amendments       | SB 1219 with 2 Senate amendments  |
| SB 560 with 1 Senate amendment        | SB 1319 with 7 Senate amendments  |
| SB 625 with 1 Senate amendment        | SCR 1360 with 2 Senate amendments |
| SB 887 with 1 Senate amendment        | SB 1361 with 3 Senate amendments  |
| CS for SB 912 with 1 Senate amendment | SB 1337 with 36 Senate amendments |

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

*ELMER O. FRIDAY, Secretary*

The bills were certified to the House.

Your Engrossing Clerk to whom was referred SB 254 with 2 House amendments and 1 Conference Committee amendment—reports that the House and Conference Committee amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY, Secretary*

The bill was ordered enrolled.

## ENROLLING REPORT

Your Enrolling Clerk to whom was referred SCR 1357 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 29, 1973.

*ELMER O. FRIDAY, Secretary*

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, CS for HB's 212, 655 and 678 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Winn, SB 1122 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Gillespie, SB 181 was removed from the calendar by two-thirds vote and from further consideration of the Senate.

On motion by Senator Scarborough, HB 1661 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the calendar.

By unanimous consent Senator Childers was recorded as voting yea on the following bills passed May 28: Senate Bills 445, 1219, 387, 1009, 640 and 560; House Bills 706, 1248, 1299, 1245 and 1428; CS for HB 689 and SM 528.

## REQUESTS FOR EXTENSION OF TIME

The Committee on Commerce requests an extension of 10 days for the consideration of the following:

SB 723 by Senator Johnston  
CS for HB 255 by Representative Culbreath

The Committee on Governmental Operations requests an extension of 10 days for the consideration of the following:

|  |   |
|--|---|
| SB 11 by Senator Henderson                                       | SB 307 by Senator Lewis                 |
| SB 60 by Senator Johnson   | SJR 368 by Senator Johnston             |
| SB 66 by Senator Deeb  | SB 371 by Senator Henderson             |
| SB 79 by Senator McClain   | SB 372 by Senator Johnson               |
| SB 130 by Senator Gallen   | SB 392 by Senator Scarborough           |
| SB 165 by Senator Gallen   | SB 408 by Senator Brantley              |
| SB 166 by Senator Glisson  | SB 421 by Senator Gordon                |
| SB 169 by Senator Poston   | SB 552 by Senator Scarborough           |
| SB 182 by Senator Deeb   | SB 737 by Senator Gillespie             |
| SB 204 by Senator Gallen   | SB 738 by Senator Winn                  |
| CS for SB 234 by Committee on Natural Resources and Conservation | SB 746 by Senator Pettigrew             |
| SJR 266 by Senator Winn  | CS for HB 233 by Representative Spicola |
| SB 268 by Senator Brantley                                       | HB 524 by Representative Carlucci       |

The Committee on Judiciary requests an extension of 10 days for the consideration of the following:

|                              |  |
|------------------------------|--|
| SB 319 by Senator Johnston   | SB 1108 by Senator Pettigrew           |
| SB 333 by Senator Pettigrew  | SB 1149 by Senator Deeb                |
| SB 369 by Senator Johnston   | SB 1153 by Senator Scarborough         |
| SB 423 by Senator Smathers   | SB 1161 by Senator Scarborough         |
| SB 440 by Senator Wilson     | SB 1173 by Senator Gallen              |
| SB 460 by Senator McClain    | SB 1174 by Senator Deeb                |
| SB 503 by Senator McClain    | SB 1175 by Senator Deeb                |
| SB 542 by Senator Gillespie  | SB 1180 by Senator Pettigrew           |
| SB 113 by Senator Glisson    | SB 1199 by Senator Deeb                |
| SB 672 by Senator Gordon     | SB 1200 by Senator Poston              |
| SB 780 by Senator Gillespie  | SB 1201 by Senator Poston              |
| SB 783 by Senator Gordon     | SB 1203 by Senator Deeb                |
| SB 788 by Senator Deeb       | SB 1204 by Senator Deeb                |
| SB 838 by Senator Graham     | SB 1234 by Senator Scarborough         |
| SB 860 by Senator Childers   | SB 1243 by Senator Pettigrew           |
| SB 880 by Senator McClain    | SB 1279 by Senator Gillespie           |
| SB 899 by Senator Gordon     | SB 1323 by Senator de la Parte         |
| SB 976 by Senator McClain    | CS for HB 312 by Commerce Committee    |
| SB 1040 by Senator Graham    | CS for HB 313 by Representative Tucker |
| SB 1064 by Senator Saylor    |  |
| SB 1073 by Senator Deeb      |  |
| SB 1072 by Senator Pettigrew |  |
| SB 1077 by Senator Deeb      |  |
| SB 1091 by Senator Poston    |  |

The Committee on Natural Resources and Conservation requests an extension of 5 days for the consideration of the following:

|  |                             |
|--|-----------------------------|
| SB 236 by Natural Resources and Conservation | SB 1259 by Senator Williams |
| SB 1118 by Senator Graham                    | SB 1286 by Senator J. Lane  |
| SB 1157 by Senator Pettigrew                 | SB 1288 by Senator Graham   |

## MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 94, 286, 309, 355, 431, 436, 554, 563, 662, 675 and CS for SB 442, which he had approved on May 28, 1973.

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 217 and 905 and CS for SB 881, which he had approved on May 29, 1973.

## INTRODUCTION

By Senators Scarborough, Smathers and Brantley—

SB 1362—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for the Lavilla Sportsman's Club, a non-profit

organization, Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1362.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Brantley, Smathers and Scarborough—

SB 1363—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for an additional beverage license for The Racquet Club, Inc., a Florida Corporation, of Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1363.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Brantley, Smathers and Scarborough—

SB 1364—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for the Shadowrock Tennis Club, Inc., Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1364.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Brantley, Smathers and Scarborough—

SB 1365—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for the Shadowrock Corporation, Jacksonville, Florida; providing for the waiver of the term of existence of the license; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1365.

—was read the first time by title and referred to the Committee on Rules and Calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 29, 1973

I am directed to inform the Senate that the House of Representatives has passed—

|         |         |         |
|---------|---------|---------|
| SB 1338 | SB 1336 | SB 1339 |
| SB 1350 | SB 1352 | SB 1345 |
| SB 1353 | SB 1355 | SB 1356 |
| SB 464  |         |         |

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1164.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—

CS for HB 607

CS for HB 349

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 382 HB 434.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has returned as requested—

By Representative Poole and others—

HB 2096—A bill to be entitled An act relating to Broward County, City of Fort Lauderdale; amending chapter 57-1322, Laws of Florida, as amended, being the charter of the City of Fort Lauderdale, by amending section 53 of said chapter, pertaining to oath of office; amending section 69 of said chapter, pertaining to administrative departments and maximum level of classified service, to delete requirements for specific departments; amending section 70 of said chapter, pertaining to authority of commission to assign additional duties, to provide authority for creating or eliminating departments; amending section 116 of said chapter, pertaining to candidates for city commission; amending section 160 of said chapter, pertaining to contracts for public works; amending section 302 of said chapter, pertaining to investment of public funds; amending section 327 of said chapter, pertaining to creation, composition and appointment of board of adjustment; providing an effective date.

*Allen Morris, Clerk*

On motion by Senator Weber, the Senate reconsidered the vote by which HB 2096 as amended, contained in the above message, passed on May 25.

On motion by Senator Weber, the Senate reconsidered the vote by which amendment 1 was adopted and the amendment failed.

HB 2096 passed and was certified to the House. The vote was:

Yeas—27

|               |             |             |        |
|---------------|-------------|-------------|--------|
| Mr. President | Johnson     | Poston      | Vogt   |
| Brantley      | Johnston    | Saylor      | Ware   |
| Firestone     | Lane (23rd) | Scarborough | Weber  |
| Glisson       | Lewis       | Sims        | Wilson |
| Gordon        | McClain     | Smathers    | Winn   |
| Graham        | Peterson    | Stolzenburg | Zinkil |
| Gruber        | Pettigrew   | Sykes       |        |

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Ogden—

HB 178—A bill to be entitled An act relating to occupational license taxes imposed by counties and municipalities under the authority of chapter 205, Florida Statutes; repealing section 4 of chapter 72-306, Laws of Florida; to abolish the expiration date; providing an effective date.

By the Committee on Health & Rehabilitative Services and Representative Tubbs—

CS for HB 462—A bill to be entitled An act relating to the department of health and rehabilitative services, division of

mental health; providing that sections 396.102 and 396.161, Florida Statutes, relating to involuntary commitment of alcoholics and to local ordinances affecting intoxication and public drinking offenses, shall become inoperative between July 1, 1973, and July 1, 1975; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 178, contained in the above message, was read the first time by title and placed on the Calendar.

CS for HB 462, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Transportation and Representatives A. S. Robinson and Holloway—

CS for HB 1878—A bill to be entitled An act relating to uniform traffic control; amending §316.097, Florida Statutes, 1971, to provide a five dollar (\$5) fine for certain persons leaving private passenger motor vehicles unattended with the ignition key readily visible in the car; providing an effective date.

By Representative Harllee and others—

HB 1772—A bill to be entitled An act relating to the protection of underground pipelines and utilities; creating chapter 960, Florida Statutes; stating the legislative intent; defining the terms used; establishing notice requirements for excavation; providing notice requirements and outlining when marking of utility lines is necessary; providing penalties and damages recoverable for violation of the provisions of the chapter; providing for mandamus and injunction in cases of negligence; providing emergency exceptions; providing a saving clause; and providing an effective date.

By Representative G. C. Robinson—

HB 1640—A bill to be entitled An act relating to television picture tubes; amending Chapter 817, Florida Statutes, by creating a new section to provide labeling; providing penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1878, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

HB 1772, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 1640, contained in the above message, was read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Kutun and others—

HB 575—A bill to be entitled An act relating to district school boards; adding paragraph (h) to §230.23(5), Florida Statutes, 1972 Supplement, to provide for recognition of outstanding service of employees through a system of awards and incentives; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 575, contained in the above message, was read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Sessums and Conway—

HB 1145—A bill to be entitled An act relating to education; amending subsections 229.57(3) and 229.57(4), Florida Statutes, 1971, to limit application of educational accountability program to the subject areas of reading, writing, and mathematics until implementation of this act has been completed in those specific subject areas; providing an effective date.

By the Committee on Retirement, Personnel & Claims—

HB 2019—A bill to be entitled An act relating to the career service commission; amending §110.041(2), Florida Statutes, 1971, which relates to duties of the commission; removing language which provides for the commission to hear appeals arising from rules adopted by the department of administration; providing for the hearing of appeals arising under the Florida retirement system; deleting language regarding the holding of public hearings on proposed rules and regulations; providing for the performance of other duties as authorized by rules of the administration commission; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1145, contained in the above message, was read the first time by title and placed on the calendar.

HB 2019, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Lewis and others—

HB 2006—A bill to be entitled An act relating to the Amendment of the Municipal Boundaries of The Village of North Palm Beach, Florida; amending Article II of Chapter 61-2375, Laws of Florida, Special Act of 1961; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Tittle—

HB 172—A bill to be entitled An act relating to Monroe County; repealing chapters 65-1923 and 69-1313, Laws of Florida, to remove local provisions relating to tax assessment in the City of Key West and in Monroe County which conflict with the method of payment for tax assessors and the provisions relating to tax assessment and collection found in the general law; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 24, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Fulford and others—

HB 1168—A bill to be entitled An act relating to the City of Orlando; amending Section 9 of Chapter 9861, Laws of Florida, 1923, by authorizing such Utilities Commission to acquire, construct and/or operate electric plants and lines and incidental facilities within the boundaries of Orange and Brevard counties and each and every other county within the State of Florida; to acquire, construct and/or operate water plants and mains within Orange County; to furnish electricity, power and water in any part of Orange County; to construct and maintain electric lines and water mains along and under the public highways or streets in Orange County; and contract with any other municipality or public utility in Orange County for furnishing to it electricity and water, provided that said Commission shall not serve any consumer outside of Orange County, except its own facilities or employees on property controlled by said Commission or the City of Orlando, and providing said Commission may contract to connect with facilities of one or more public utilities within the State of Florida and buy and sell electricity through such connections, and authorizing the Orlando Utilities Commission and the City of Orlando to do any acts necessary or required to effectuate said provisions, including the authority and power of purchase of or eminent domain over private or public lands or property whatsoever necessary to carry out the provisions and accomplish the purposes of this act; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative David C. Clark and others—

HB 2005—A bill to be entitled An act relating to the Amendment of the Municipal Boundaries of the Town of Lake Park, Florida; amending Article II of Chapter 61-2375, Laws of Florida, Special Act of 1961; providing an effective date.

Proof of Publication attached.

By Representative Ogden and others—

HB 959—A bill to be entitled An act relating to alcoholic beverage licenses in Duval County; providing for additional beverage license for The "21" Club of Century 21, Inc., Jacksonville, Florida; providing for the waiver of the term of existence of license; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

Evidence of notice and publication was established by the Senate as to House Bills 2006, 172, 1168, 2005 and 959, contained in the above messages, which were read the first time by title and referred to the Committee on Rules and Calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Johnson and others—

HB 1726—A bill to be entitled An act relating to institutions of higher learning; amending section 241.73(2), F.S., defining "full-time equivalent teaching faculty member;" creating section 241.731, F.S., requiring that all assigned duties be conveyed in writing; providing that evaluations be based on assigned duties; providing that no denial of promotions, salary adjust-

ments, re-employment, or tenure be solely for failure to do research, publish or perform other scholarly activities; providing objectives for institutions of higher learning; requiring a report to the legislature; providing for an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1726, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Natural Resources—

HB 1941—A bill to be entitled An act relating to environmental protection; creating §§11.401, 11.421, 11.451 and 11.471, Florida Statutes; creating an environmental review committee of the legislature; creating the office of environmental analyst; providing for their powers and duties; amending §11.43, Florida Statutes, to provide that those duties are mandatory; amending §11.44, Florida Statutes, to provide for payment of salaries and expenses of said committee and analyst; providing definitions, duties, requiring reports; providing for penalties; containing a proviso of legislative intent; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1941, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Education and Representative Harris—

CS for HB 1763—A bill to be entitled An act relating to educational institutions; amending section 229.808 (2), Florida Statutes; removing the provision for excluding certain educational institutions from the requirement to register with the department of education; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1763, contained in the above message, was read the first time by title and referred to the Committee on Education.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Conway—

HB 718—A bill to be entitled An act relating to education; amending §232.23, Florida Statutes, relating to pupil records, providing for maintenance of a permanent cumulative pupil record; providing limited access to such record; providing an effective date.

By the Committee on Criminal Justice and Representatives Hair and Smith—

CS for HB 1538—A bill to be entitled An act relating to arrest records; providing certain procedures for expunging records if person is acquitted or released without being adjudicated guilty; providing for waiver of claims against arresting

officer or officers; providing for retention of nonpublic records by department of law enforcement; providing restoration of status; providing exceptions; providing an effective date.

By the Committee on Transportation and Representative Holloway—

HB 809—A bill to be entitled An act relating to road taxes for motor carriers; amending section 323.15, Florida Statutes, providing for a change in the amount of moneys collected; prescribing a different manner in which moneys are collected providing that other devices may be issued in lieu of road tax plates; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 718, contained in the above message, was read the first time by title and placed on the calendar.

CS for HB 1538, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 809, contained in the above message, was read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 24, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative MacKay (by request)—

HB 1405—A bill to be entitled An act relating to corporations and other entities required to pay a tax on net income; amending Sections 608.3205(3), 608.34, and 608.35, Florida Statutes; extending time for filing annual report by making delinquent date July 1 rather than March 1; extending time from 30 days to 90 days after January 1 for sending notice of failure to file the required annual report and filing fee; extending date from March 1 to July 1 when penalty commences for failure to file report and pay taxes; providing for severability; providing an effective date.

By the Committee on Appropriations and Representative David Clark—

CS for HB 1547-SF—A bill to be entitled An act relating to a joint committee of the Senate and the House of Representatives to study publications; streamlining the tangible and intangible personal property state tax returns; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1405, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

CS for HB 1547-SF, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Sessums—

HB 1284—A bill to be entitled An act relating to workmen's compensation; amending §440.13(1), Florida Statutes, providing for the furnishing of free copies on demand of medical reports to injured employees under workmen's compensation law; providing an effective date.

By Representatives MacKay and Conway—

HB 1733—A bill to be entitled An act relating to education; amending §§229.543 and 229.545(1), 1972 Supplement to Florida

Statutes; providing for leadership training for school board members and potential and inservice school administrators; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1284, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 1733, contained in the above message, was read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Crabtree—

HB 866—A bill to be entitled An act relating to mechanics' liens; amending Section 713.22 (1), Florida Statutes; providing that the one year limitation period for the duration of a mechanics' lien is extended by the commencement of an action to enforce the lien within one year after recordation; providing that bona fide creditors and purchasers without notice shall not be affected by the action to enforce a lien unless a notice of lis pendens is recorded; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 866, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Kutun and others—

HB 580—A bill to be entitled An act relating to public school system personnel; amending §231.29(2)(a), Florida Statutes, 1972 Supplement, to provide that each individual on annual contract status in any school district in the state shall have his performance assessed at least once a year, while those on continuing contract shall be assessed in depth at least once every three (3) years; providing an effective date.

By the Committee on Commerce and Representative Hector and others—

CS for HB 1305—A bill to be entitled An act relating to cosmetology; amending §477.04, Florida Statutes, 1971, relating to the practice of cosmetology under master cosmetologists, to provide a required ratio of cosmetologists to master cosmetologists; amending §477.07 (1)(a) and (2), Florida Statutes, relating to qualifications for certification as a cosmetologist, to provide for certain requirements for registration and to provide requirements in event of examination failure; amending §477.08(6), Florida Statutes, 1971, relating to schools of cosmetology, to specify certain qualifications for applicants for certificates of registration as instructors of cosmetology; providing an effective date.

By Representative J. C. Thomas—

HB 1459—A bill to be entitled An act relating to condominiums and cooperative apartments; amending the introductory paragraph of §711.24(3), Florida Statutes, 1972 Supplement, to clarify language relating to prohibited misleading statements; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 580, contained in the above message, was read the first time by title and referred to the Committee on Education.

CS for HB 1305, contained in the above message, was read the first time by title and placed on the calendar.

HB 1459, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Hutto—

HM 1760—A memorial to the Congress of the United States expressing the concern of the Florida Legislature over the invasion of the sacredness of the American home by the broadcasting of obscene, pornographic, or suggestive programs on television and radio; requesting that the United States Senate and House of Representatives hold hearings as a prelude to enacting legislation restricting the broadcasting of such programs by the networks and local stations; requesting the United States Congress to begin immediately setting up machinery to implement such an act at the earliest possible date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has adopted—

By the Committee on Environmental Protection and Representative Spicola and others —

HM 2108—A memorial urging the United States Congress to adopt HR 7154 providing measures for preservation of the Everglades Kite.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Memorials 1760 and 2108, contained in the above messages, were read the first time and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Health & Rehabilitative Services and Representatives Tucker and Langley—

HB 1497—A bill to be entitled An act relating to detainees; enacting the interstate agreement on detainees; providing for final disposition of charges; providing for custody or availability; providing for delivery of temporary custody; providing for interstate cooperation; requiring delivery by warden; providing an effective date.

By the Committee on Health & Rehabilitative Services and Representatives Tucker and Langley—

HB 1498—A bill to be entitled An act relating to corrections; providing for participation in an enactment of the Interstate Corrections Compact; providing definitions; providing for the transfer of inmates between contracting states; providing for administration of compact and rights of inmates; providing for withdrawal and termination; providing powers of secretary of department of health and rehabilitative services; providing an effective date.

By Representative Kutun and others—

HB 573—A bill to be entitled An act relating to education; amending §236.04(4)(a), Florida Statutes, 1972 Supplement, relating to determination of number of instructional units under the minimum foundation program, to provide for the establishment of criteria for categories of exceptional children; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Criminal Justice and Representative Harlee—

**CS for HB 1524**—A bill to be entitled An act relating to prosecution for worthless checks given tax collector for hunting and fishing licenses; amending Section 832.06(1), Florida Statutes; requiring county tax collectors to swear out a warrant against persons for the issuance of worthless checks or drafts given as payment for hunting and fishing licenses; providing that county tax collectors may make a written report to the game and fresh water fish commission 30 days after service of the warrant or 60 days after the issuance of the warrant if service of the warrant is not effective certifying that the amount of the worthless check has not been paid and requesting that the sum of money certified be refunded to the tax collector by the game and fresh water fish commission; authorizing the game and fresh water fish commission to refund to the county tax collector the sum of money so certified; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 1497, 1498, 573 and CS for HB 1524, contained in the above messages, were read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Martinez—

**HB 1555**—A bill to be entitled An act relating to Naturopathy; amending §462.08, Florida Statutes, 1971, by increasing the annual registration fee to twenty dollars and §462.18(3), Florida Statutes, 1971, by increasing annual educational program fee to one hundred dollars; providing an effective date.

By Representative Conway—

**HB 724**—A bill to be entitled An Act relating to education; amending §§233.15 and 233.16(4), Florida Statutes; providing procedures for acceptance, deposit and return of deposits by textbook bidders; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1555, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

HB 724, contained in the above message, was read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Smith and Nuckolls—

**HB 279**—A bill to be entitled An act relating to garnishment; creating §77.035, Florida Statutes, to require notice to defendant when a writ is served upon a bank or other financial institution; providing an effective date.

By Representatives Avon and Smith—

**HB 543**—A bill to be entitled An act relating to public officers; providing that willful and knowing failure and refusal to perform a mandatory duty of office imposed by law is a misdemeanor of the second degree; providing for a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 279, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 543, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Conway—

**HB 720**—A bill to be entitled An act relating to education; amending §230.234, Florida Statutes, as amended by chapter 72-221, Laws of Florida; providing for legal services for employees of school boards; providing authority to save harmless employees from civil actions; providing authority to arrange for insurance to cover such payments; providing an effective date.

By Representative Harris—

**HB 1713**—A bill to be entitled An act relating to the department of professional and occupational regulation; amending subsection 215.37(4), Florida Statutes, 1972 Supplement to Florida Statutes, 1971, to provide for the deposit of the examining boards' service charge; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 720, contained in the above message, was read the first time by title and referred to the Committee on Education.

HB 1713, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Mallory E. Horne, President* May 25, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Education and Representatives Birchfield and Hair—

**CS for HB 1723**—A bill to be entitled An act relating to education, community school program; amending §228.071, 1972 Supplement to Florida Statutes; broadening the scope of the community school program; requiring inclusion of plans for community school operation in the district comprehensive educational plan; authorizing distribution of community school grant funds; requiring annual recommendations of the commissioner; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Natural Resources and Representative Conway—

**CS for HB 259 SF**—A bill to be entitled An act relating to marine turtles; amending §370.12(1), Florida Statutes, by adding a new sub-paragraph (e); prohibiting the taking, killing, molesting, mutilation or destruction of marine turtles on land or within one-half mile of the coastline; providing an effective date.

By Representative Brown and others—

**HB 1342**—A bill to be entitled An act relating to investment of funds by clerk of the circuit court; providing that



interest from such investments shall be income of the clerk's office; repealing section 43.17, Florida Statutes, 1971, relating to certain moneys paid into courts in the state; providing an effective date.

By Representative Shreve—

HB 1823—A bill to be entitled An act relating to flood control districts, water shortage emergencies; amending chapter 72-730, Laws of Florida, by deleting the repealing clause; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative MacKay—

HB 459—A bill to be entitled An act providing technical amendments to the state bond act; amending section 215.65(1), Florida Statutes, to provide that the unencumbered surplus in the bond fee trust fund shall never exceed two hundred twenty-five thousand dollars (\$225,000) at the end of any fiscal year; amending section 215.69, Florida Statutes, to provide that accounts for outstanding bond issues shall be maintained solely by the state board of administration; amending section 215.68(5)(a), Florida Statutes, to provide that the average net interest cost rate at which bonds are sold shall be no more than seven and one half percent (7½%) per annum; amending section 215.79(2), Florida Statutes, relating to redemption of outstanding bonds prior to maturity and escrow deposits for such purpose; amending section 215.64(9), Florida Statutes, to provide for exercise of the power of eminent domain for the purposes of the state bond act as provided by section 288.15(2), Florida Statutes; amending section 215.82, Florida Statutes, providing for validation of bonds issued in the name of the state board of education and bonds issued pursuant to the land conservation act of 1972; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Becker—

HB 1259—A bill to be entitled An act relating to court costs; amending §57.081(1) and (3), Florida Statutes, 1971; providing for the right of plaintiffs and defendants to proceed in forma pauperis in all the courts of the state; providing for applicability in probate and guardianship matters, other matters, and appeals therefrom; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1723, CS for HB 259 SF, House Bills 1342, 1823, 459 and 1259, contained in the above messages, were read the first time by title and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Martinez and others—

HB 1442—A bill to be entitled An act relating to workmen's compensation; amending section 440.43, Florida Statutes, pro-

viding for the enjoining of an employer who has failed to secure workmen's compensation coverage from employing individuals or conducting business; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1442, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Shreve—

HB 1066—A bill to be entitled An act relating to regulation of execution; amending §922.11(2), Florida Statutes, to provide that the secretary of the department of health and rehabilitative services approve regulations under which representatives of the news media may be present at executions; providing an effective date.

By Representative Hodes—

HB 1837—A bill to be entitled An act relating to specialized state educational institutions; amending section 242.331(1), Florida Statutes, 1971, providing that there shall be one blind person and one deaf person on the board of trustees of the Florida school for the deaf and the blind; providing an effective date.

By Representative Turlington and others—

HB 2107—A bill to be entitled An act relating to the naming of state buildings, authorizing and directing the Board of Regents to name the university of Florida graduate school and international studies building "Linton E. Grinter Hall"; and providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1066, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

House Bills 1837 and 2107, contained in the above message, were read the first time by title and referred to the Committee on Education.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Miller and others—

HM 1131—A memorial to the Congress of the United States, urging the improvement of postal service.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HM 1131, contained in the above message, was read the first time and referred to the Committee on Rules and Calendar.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Crane and others—

HB 1076—A bill to be entitled An act relating to state roads and bridges; designating that portion of the Madeira



Beach Causeway beginning at the intersection of state highway alternate nineteen with the Bay Pines interchange, and extending to the Madeira Beach Bridge, Pinellas County, Florida, as the Tom Stuart Causeway; providing an effective date.

By Representative Tubbs and others—

**HB 1329**—A bill to be entitled An act relating to school traffic control devices, amending section 316.006, Florida Statutes, 1971, Addendum; providing that the state department of transportation, counties and municipalities shall be responsible for the installation of proper traffic control devices no later than ten (10) days prior to the opening of any newly constructed school plant; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 1076 and 1329, contained in the above message, were read the first time by title and referred to the Committee on Transportation.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Hazelton and others—

**HB 1665**—A bill to be entitled An act relating to state buildings; authorizing and directing the department of general services to adopt rules and regulations for smoking in public buildings; providing criteria; providing a deadline; providing an effective date.

By the Committee on Education and Representative Kutun and others—

**CS for HB 579**—A bill to be entitled An act relating to education; amending subsection 236.03(3), Florida Statutes, 1972 Supplement, providing that the state board of education shall determine the dates to be used for computing district recalculation funds when the district school calendar is different from the standard school year; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

**HB 1665**, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

**CS for HB 579**, contained in the above message, was read the first time by title and referred to the Committee on Education.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Forbes—

**HB 1798**—A bill to be entitled An act relating to employees of public lodging or public food service establishments who prepare or handle food; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

**HB 1798**, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

On motion by Senator Firestone, **HB 2107** was withdrawn from the Committee on Education by two-thirds vote and placed on the calendar.

On motion by Senator Firestone, by two-thirds vote, House Bills 178 and 2107 were placed on the Special Order Calendar as the first two bills to be considered at 2:00 p.m. this day.

## SPECIAL ORDER

Consideration of **SB 712** was deferred.

*The President Pro Tempore presiding.*

**CS for HB 734**—A bill to be entitled An act relating to education; establishing a new formula for distribution of minimum foundation program funds; providing for supplements thereto, providing for the required local effort, providing for categorical program funds; providing for supplemental program funds; establishing a new transportation funding formula; establishing a management information system; establishing a hold harmless provision; establishing a capital outlay program to finance K-12 public school construction; determining need; assuming local bonded indebtedness; providing a formula for allocating funds; providing for lease or lease-purchase agreements; requiring relocatable structures; providing for minimum standards for construction; providing an effective date.

—was taken up with the following pending amendment:

**Amendment 1**—On page 1, line 20 strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as "The Florida Educational Finance Act of 1973."

**Section 2. Purposes and intent.**—The intent of the legislature is:

(1) To facilitate a more thorough analysis of the state's financial support of public education and to provide a more accurate basis for planning by each of the several school districts by revising the existing formula for the distribution of public funds from the state.

(2) To provide adequate funds for the transportation of students to and from the public schools.

(3) To assume a greater share of the responsibility for state funding of capital outlay by providing a systematic plan whereby each school district will be able to meet the increasing needs for satisfactory school facilities for all students, and to establish the maximum increase in available satisfactory student stations to meet the current and projected needs of the districts as provided herein in the most economically satisfactory manner; to remove existing facility deficiencies relating to health and safety to life; and to annually support the amortization of the outstanding ad valorem bonded indebtedness of the school districts.

(4) To encourage innovations in school design, construction techniques, and financing mechanisms for the purposes of reducing costs and creating a more satisfactory environment for learning, and to direct the department to continue the study of developments in the building industry, including the latest developments in construction methods and materials, in design, and in concepts such as turn-key bidding, prefabricated construction, modular relocatable units, and use of standardized components.

(5) To supplement the Florida educational finance program by appropriations for categorical programs as provided by law. These categorical appropriations may be funded as general and transitional categorical programs. It is further the intent of the legislature that no transitional categorical program shall be funded for more than four (4) fiscal years from the date of original authorization or the effective date of this act, whichever is last. These programs are as follows:

(a) General.—

1. Capital outlay as provided by law.
2. Community schools as provided by law.
3. Driver education as provided by law.
4. Educational leadership training act programs as provided by law.
5. School lunch programs for the needy as provided by law.
6. Textbooks as provided by law.
7. Vocational improvement fund as provided by law.

## (b) Transitional.—

1. Bilingual program development as provided by law.
2. Elementary school counselors as provided by law.
3. Occupational and placement specialists as provided by law.
4. Summer recreation and enrichment as provided by law.

Section 3. Definitions.—Notwithstanding the provisions of section 228.04, Florida statutes, the following terms shall be defined as follows for the purpose of this act:

(1) Bonded indebtedness.—Bonded indebtedness is the total outstanding bonds issued or approved by a vote of the electorate for issue by the individual school districts as of the effective date of this act which are to be amortized by ad valorem tax levy.

(2) Capacity.—Capacity is the number of satisfactory student stations multiplied by the appropriate uniform utilization factor.

(3) Deficiencies related to health and safety to life.—Deficiencies related to health and safety to life are conditions existing in school facilities that do not meet the standards relating to health and safety to life as prescribed in regulations of the state board.

(4) District housing index.—District housing index is the relationship of the total number of student stations required to adequately house an identified number of students in a school district and the projected number of students for the district.

(5) Full-time equivalent student.—A full-time equivalent student in each program of the school district is defined in terms of full-time students and part-time students as follows:

(a) A full-time student is one student on the membership roll of one school program or a combination of school programs listed under cost factors in section 4(1)(c) of this act for:

1. Five (5) school days or its equivalent, in a standard school, comprising not less than twenty-five (25) net hours for students in or at the grade level of four (4) through twelve (12) and adult; or not less than twenty (20) net hours for students in or at the grade level of kindergarten through grade three (3), or

2. Five (5) school days or its equivalent, in a double session school, comprising not less than twenty-two and one-half (22½) net hours in grades four (4) through twelve (12) or not less than seventeen and one-half (17½) net hours in kindergarten through grade three (3).

(b) A part-time student is a student on the active membership roll of a school program or combination of school programs listed in section 4(1)(c) of this act who is less than a full-time student.

(c) A full-time equivalent student is:

1. A full-time student in any one of the programs listed under cost factors in section 4(1)(c) of this act; or

2. A combination of full-time or part-time students in any one of the programs which is the equivalent of one full-time student based on the following calculations:

a. A full-time student in a combination of programs listed under cost factors in section 4(1)(c) of this act shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member divided by twenty-five (25); the difference between that fraction and twenty-five twenty-fifths of the week for each full-time student shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than twelve and one-half (12½) net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under cost factors in section 4(1)(c) of this act shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by twenty-five (25); the difference between that fraction and twelve and one-half (12½) twenty-fifths of the week for each full-time student in membership in a half-day kindergarten

program shall be presumed to be the balance of the student's time not spent in said special education program and shall be recorded as time in the appropriate basic program.

d. A part-time student shall be a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member divided by twenty-five (25); or

3. A student in membership in a program scheduled for more or less than one hundred eighty (180) school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraph 1 and 2 of this subsection.

(6) Grade group.—For the purpose of calculating the comprehensive construction and debt service program, a grade group is a combination of one (1) or more grade levels, including kindergarten and grades one (1) through twelve (12), exceptional students and out-of-school youth under nineteen (19) years of age, under the control of a school board.

(7) Improved educational environment.—Improved educational environment is the improvements to existing school facilities such as altering, remodeling, improving, maintaining, renovating or repairing which are necessary to provide more suitable facilities as recommended by a school plant survey.

(8) Relocatable.—A relocatable is a school facility designed to be moved to a different site and continued in use as a school facility.

(9) Satisfactory.—Satisfactory is a school facility which has been recommended for continued use by a school plant survey.

(10) School day.—A school day in a standard school is not less than five (5) net hours for grades four (4) through twelve (12) and adult and not less than four (4) net hours for kindergarten through grade three (3). Schools of grades kindergarten through twelve (12) on double session may offer one-half (½) net hour less instruction per student. A school day in half-day kindergartens is no less than two and one-half (2½) net hours. A net hour shall be defined pursuant to regulations of the state board.

(11) School facilities.—School facilities are the buildings and equipment that are built, installed, or established to serve school purposes which may lawfully be used.

(12) School plant.—The school plant is all the physical features incident to or necessary to accommodate students and teachers and the activities of the educational program of each school.

(13) School plant survey.—A school plant survey is a systematic study of present school plant facilities and the determination of future needs of a school district to provide an appropriate educational program for each student conducted by or approved by the department.

(14) School year.—A school year is one hundred eighty (180) school days; provided, however, the department shall determine an equitable method of equivalent funding for experimental schools as approved by the department that deviates from one hundred eighty (180) days.

(15) Student membership.—For the purpose of calculating the current operation program, a student is in membership until he withdraws or until the close of the sixth (6) consecutive school day of his absence whichever comes first.

(16) Student station.—A student station is the appropriate area and environment necessary for a student to engage in educational learning activities appropriate to his needs.

(17) Student station-teacher station ratio.—A student station-teacher station ratio is the number of student stations assigned to each teacher station in a school facility.

(18) Unhoused pupils.—Unhoused pupils are the actual or projected students in average daily membership that are in excess of the existing desirable capacity of the facilities of the district.

(19) Utilization factor.—A utilization factor is the ratio between the total number of student stations and the rated number of students that can be housed in that facility.

Section 4. Funds for current operation of schools.—The annual allocation from the Florida educational finance program to each school district for current operation of schools shall be determined as follows:

(1) Computation of the basic amount to be included for current operation of schools.—The following procedure shall be followed in determining the annual allocation to each school district for current operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks during the fiscal year a program membership survey of each school will be made by each district by aggregating the full-time equivalent student membership of each program, school and district. The department shall establish the number and interval of membership calculations; provided that for basic and special programs such calculations shall not exceed nine (9) for any school year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student cost.—The base student cost shall be determined annually by the legislature. The state board shall annually recommend to the legislature an appropriate base student cost for the next fiscal year equal to the amount needed to maintain one full-time equivalent student in basic programs with a cost factor of one (1). Such factor shall take into account changes in the state average cost of living.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs are hereby established; provided, however, the application of cost factors in special programs for exceptional students identified by the roman numeral one (I) shall be limited to a maximum of seven twenty-fifths (7/25) of a student membership in a given program during a week. The criteria for qualification for the special programs shall be determined by regulations of the state board. Cost factors for special programs for exceptional students under the minimum age for enrollment in kindergarten will be used to fund programs approved by the department as provided by law.

#### *Basic Programs*

#### *Cost Factor*

- |   |      |
|---|------|
| (1) Kindergarten and grades 1, 2, and 3 | 1.20 |
| (2) Grades 4, 5, 6, 7, 8, 9, and 10     | 1.00 |
| (3) Grades 11 and 12                    | 1.10 |

#### *Special Programs for Exceptional Students*

- |  |       |
|--|-------|
| (10) Educable mentally retarded          | 2.30  |
| (11) Trainable mentally retarded         | 3.00  |
| (12) Physically handicapped              | 3.50  |
| (13) Physical and occupational therapy I | 6.00  |
| (14) Speech therapy I                    | 10.00 |
| (15) Deaf                                | 4.00  |
| (16) Visually handicapped I              | 10.00 |
| (17) Visually handicapped                | 3.50  |
| (18) Emotionally disturbed I             | 7.50  |
| (19) Emotionally disturbed               | 3.70  |
| (20) Socially maladjusted                | 2.30  |
| (21) Specific learning disability I      | 7.50  |
| (22) Specific learning disability        | 2.30  |
| (23) Gifted I                            | 3.00  |
| (24) Hospital and homebound I            | 15.00 |

#### *Special Vocational-Technical Programs*

- |                               |      |
|-------------------------------|------|
| (30) Vocational education I   | 4.26 |
| (31) Vocational education II  | 2.64 |
| (32) Vocational education III | 2.18 |
| (33) Vocational education IV  | 1.69 |
| (34) Vocational education V   | 1.40 |
| (35) Vocational education VI  | 1.17 |

#### *Special Adult General Education Programs*

- |  |      |
|--|------|
| (40) Adult basic education and adult high school | 1.60 |
| (41) Community service                           | 1.30 |

(d) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida educational finance program for each district shall be the product of:

1. The full-time equivalent student membership in each program for each district, times
2. The cost factor for each program, times
3. The base student cost figure.

(2) Computation of the amount to be included for supplemental cost factors.—The Florida educational finance program shall be supplemented as follows:

(a) Students in isolated schools of less than one hundred twenty (120) full-time equivalent students, and as prescribed by regulations of the state board, shall receive a supplement of one-tenth (.1) to four-tenths (.4) of the base student cost as determined by the state board; and

(b) A supplement of one-tenth (.1) of the base student cost shall be added to all full-time equivalent students in basic programs qualifying for compensatory education in accordance with criteria, including low achievement test scores, socioeconomic level and low standard English comprehension level, established by regulations of the state board. Such regulations shall be designed to maintain consistency with applicable federal law and regulations so as to prevent impairment, interruption, or loss of any federal funds allocated to the state for compensatory education of public school students.

(3) Computation of the amount to be included for ad valorem tax equalization.—Each school district in which the yield of each mill, at ninety-five (95) percent of one hundred (100) percent of the non-exempt assessed valuation used to compute required local effort, divided by the total full-time equivalent student membership, is less than six (6) percent of the base student cost, shall be entitled to an amount equal to the difference between the yield for each full-time equivalent student of each mill levied in excess of the required local effort, up to ten (10) mills, and six (6) percent of the base student cost. For the 1973-74 fiscal year and for the purposes of this subsection only, the level of the required local effort shall be calculated as six (6) mills on the 1973 tax roll.

(4) Determination of cost of living factors.—The cost of living factors shall be determined by the legislature. The state board shall annually recommend to the legislature based upon the most recent study by the department of administration, as authorized by the legislature, a list of districts and factors. For the year 1973-74 these shall be; Dade-1.10, Broward-1.07, Palm Beach-1.07.

(5) Computation of district required local effort.—The amount that each district shall provide toward the cost of the Florida educational finance program shall be calculated as follows:

(a) The aggregate required local effort for all school districts for the school fiscal year 1973-74 shall be three hundred seventeen million dollars (\$317,000,000), and of this amount each school district's required local effort shall be computed as follows:

1. Determine separately for each district and for all districts collectively the value of non-exempt assessed valuation, which value shall exclude the total value of the additional homestead exemptions authorized in chapter 71-309, Law of Florida, as shown on the 1973 calendar year tax roll upon which school taxes for operating purposes are to be collected that year, and

2. Determine for each school district that district's percentage of the state total computed in subparagraph 1, and

3. Multiply the aggregate local required local effort as set forth in this subsection by each district's percentage as determined in subparagraph 2 and the product shall be the individual district's required local effort for 1973-74.

(b) Beginning with the 1974-75 fiscal year and every year thereafter the unadjusted required local effort shall consist of the value of seven (7) mills of tax on ninety-five (95) percent of one hundred (100) percent of the non-exempt assessed valuation of that district for the preceding calendar year upon which taxes may be levied for school purposes and as certified or deemed acceptable by the department of revenue.

(c) From the data certified by the department of revenue, determine the district school tax loss caused by the additional homestead exemptions and the total value of the additional homestead exemptions authorized in section 196.031(3), Florida statutes.

(d) From the total district school tax loss for the current year multiplied by ninety-five (95) percent, deduct the product of the total value of the additional homestead exemptions multiplied by ninety-five (95) percent of seven (7) mills.

(e) Subtract the difference so determined from the unadjusted required local effort as determined in this section.

(f) Beginning in 1974-75 the final amount determined in paragraph (e) shall be that district's adjusted required local effort for that year.

(g) Each school district shall, pursuant to the provisions of section 196.031 (4), 1972 Supplement to Florida statutes, receive an allocation of state funds, from the amount contained in the general appropriations act for this purpose, an amount equal to ninety-five percent (95%) of the actual tax loss as reported by the department of revenue for the fiscal year 1973-74.

(6) Total allocation of state funds to each school district for current operation.—The total annual state allocation to each school district for current operation shall be determined as follows:

(a) Obtain the sum of:

1.

a. For the fiscal year 1973-74, the basic amount for current operation as determined in subsection (1), less the required local effort as determined in subsection (5), multiplied by a cost of living factor as determined in subsection (4);

b. For subsequent fiscal years, the basic amount for current operation as determined in subsection (1), multiplied by a cost of living factor as determined in subsection (4), less the required local effort as determined in subsection (5), and

2. The amount for supplemental cost factors as determined in subsection (2), and

3. Any entitlement to supplemental equalization funds as determined in subsection (3).

(b) The amount thus obtained shall represent the net annual state allocation to each school district; provided that, notwithstanding any of the provisions herein, each school district shall be guaranteed a minimum level of funding for the 1973-74 school year in the amount and manner prescribed below:

1. The department of education shall determine the average unit value for the fiscal year 1972-73 for each district as follows: divide the total number of instruction units included in the 1972-73 Florida minimum foundation program into the sum of the computed cost of the state's share of the Florida minimum foundation program for instructional salaries and current expense other than transportation, plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1972 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5000) homestead exemption provided in chapter 71-309, Laws of Florida.

2. The average unit value determined in subparagraph 1 shall be increased by five percent (5%).

3. The amount determined in subparagraph (b)2 shall be multiplied by the number of instruction units that would have accrued in a 1973-74 Florida minimum foundation program which shall be calculated following the same procedure used for calculating units in the 1972-73 Florida minimum foundation program.

4. The amount determined in subparagraph (b)3 shall be the minimum level of funding for each district for the 1973-74 fiscal year from the following: the state's share of the Florida educational finance program plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1973 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5000) homestead exemption provided in chapter 71-309, Laws of Florida.

5. In any school district in which the amount determined in subparagraph 3 does not actually equal or exceed the actual distributions from the specified sources the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 3.

(c) The maximum amount of Florida educational finance program funds for current operations for all school districts for special programs shall not exceed the dollar amount required to fund these programs as included in each of the district's annual educational plans for special programs submitted to the department, and as included in the annual legislative budget; provided, however, that the department is authorized to reallocate funds among districts when they are relinquished by the district to which originally allocated. The method for determining the dollar amount for reallocated funds shall be prescribed by regulations of the state board. For the 1973-74 fiscal year the maximum amount of Florida educational finance program funds for current operations for all school districts for special programs for exceptional students shall not exceed eighty-five million five hundred six thousand five hundred dollars (\$85,506,500) and for students in special vocational-technical programs and special adult general education programs shall not exceed one hundred fifty-four million four hundred thirty nine thousand five hundred dollars (\$154,439,500).

Section 5. Funds for student transportation.—The annual allocation from the Florida educational finance program to each school district for transportation to the public schools of students in kindergarten through grades twelve (12), and exceptional students shall be determined as follows:

(1) Each school board shall on the dates and in the manner prescribed by the state board of education determine for that district and report to the department of education the membership of all students who are transported to school by reason of living two (2) miles or more from school; however, the mileage limitation shall not apply to transportation of physically handicapped students or to vocational or exceptional students who are transported from one school center to another as authorized by the regulations of the state board of education.

(2) Each school board shall on the dates and in the manner prescribed by the state board of education, determine and report to the department of education the one-way route mileage required to transport students to school for the first time on any school day and the one-way miles on routes between school centers required to transport exceptional students and vocational students to centers where appropriate programs are provided. The one-way route mileage shall be computed by adding:

(a) The loaded miles of each school bus route one-way designated in accordance with section 234.061, Florida statutes, and served by a bus as defined by regulations of the state board of education except that miles traveled for a side route to pick up students living within one and one-half (1½) miles of the main trunk route shall not be added, and

(b) Fifty (50) percent of the miles of the bus route traveled without students.

(3) A density index for each district shall be computed by the department of education annually by dividing the membership of transported students as determined in subsections (1) by the bus route mileage as determined in subsection (2) of this section.

(4) The allocation for each district for a one hundred and eighty (180) day school term shall be calculated in accordance with the following formula:

$$\begin{array}{rcl} \text{Allowable per} & & 434.77 \\ & = & \\ \text{student cost} & & 2 + \frac{\text{the density index of the district}}{\text{index of the district}} - 13.65 \end{array}$$

provided that the districts with a density index of 1.10 students per route mile or less will be computed as 1.10 and districts with a density of 5.90 or more students per route mile will be counted as having a density index of 5.90. The allocation to each district for transportation shall be determined by multiplying the allowable cost per student by the membership of all students who are transported as determined in subsection (1) of this section.

(5) If a district operates schools more or less than one hundred eighty (180) days, the allocation per student for transportation to such schools shall be calculated by multiplying the quotient of the days the schools operate divided by one hundred eighty (180) days times the allocation per student determined in subsection (4) of this section. The allocation for each district for transportation of students in membership more or less than one hundred eighty (180) days shall be de-

terminated by multiplying the allowable cost per student determined in this subsection by the membership of such students who are transported.

(6) When authorized by regulations of the state board of education an allocation of twelve (12) cents per mile shall be allowed for miles traveled by passenger cars with students providing for transportation of isolated students as prescribed by regulations of the state board of education.

(7) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsections (4), (5) and (6) of this section.

Section 6. Funds for comprehensive school construction and debt service.—The annual allocation from the Florida educational finance program to each school district for the comprehensive school construction and debt service program shall be determined as follows:

(1) Pursuant to regulations of the state board the commissioner shall annually determine the projected school plant and annual debt service needs for each school district and report this annually to the legislature. Prior to the distribution of any funds pursuant to this section the commissioner shall determine that each district's projected school plant and annual debt service needs are established as of January 1, 1974. In determining these needs and in making the report the commissioner shall include the following elements:

(a) Projected student membership by grade groups for the next five (5) year period.

(b) The projected number of unhoused students by appropriate grade groups.

(c) The cost of removing the deficiencies related to health and safety to life standards.

(d) The cost of improving the educational environment in existing school plants.

(e) The most recent construction cost data as determined by the state board.

(f) The five (5) year projected cost of amortizing the annual payment of the bonded indebtedness of the district.

(g) The cost of site acquisition and improvement.

(h) The amount of additional resources available pursuant to the provisions of Article XII, section 9(d) of the constitution as amended in 1972.

(i) The amount of funds from other sources earmarked for capital outlay purposes available to the school board; however, the amount of the funds is not to include any funds available from tax monies collected from millage elections in excess of ten (10) mills.

(j) District housing index.

(k) Student station-teacher station ratio.

(l) Square footage requirements for program grade groups.

(2) The commissioner shall determine annually the amount to be allocated to each district from the funds appropriated for the purpose of implementing this section as follows:

(a) Determine the costs of the projected school plant needs and five (5) year projected debt service needs for each school district as determined in subsection (1) of this section.

(b) Determine the projected additional resources available under the provisions of Article XII, section 9 (d) of the constitution as amended in 1972, and the amount of funds projected to be available to each school district from other fund sources allocated for school plants.

(c) From the costs of the projected school plant and five (5) year projected debt service needs for each school district subtract the projected additional resources available. The remainder will represent the estimated costs of unfunded school plant and debt service needs for each school district; the total of which for all school districts will be the unfunded school plant and debt service needs of the state.

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective school districts in proportion to their percentage of the state

total of unfunded school plant and debt service needs as determined above. Funds accruing to a school district from the provisions of this section shall be expended first in the order of priority of need as shown by a survey or surveys in the school district under regulations of the state board. When the school plant needs of a district have been met, the funds provided in any year under this section may be used for annual debt service.

(3) The state board may either require or approve that relocatable school facilities be constructed at school centers where there is reason to believe the student membership is unstable or is projected to decline in future years. The state board may also require or approve utilization of rented or leased facilities.

(4) All school facilities constructed by a school board incorporating the minimum standards prescribed by regulations of the state board as authorized in section 235.26, Florida Statutes, shall be exempt from all county, district, municipal or local building codes and ordinances.

(5) Each school board that is allocated funds under this section shall submit to the commissioner a projection of its anticipated schedule of eligible capital outlay disbursements for specified periods of time as prescribed by the regulations of the state board. Upon approval by the commissioner, the controller shall disburse the funds to each school board.

Section 7. Total state allocation to each school district.—

(1) The total annual state allocation from the Florida educational finance program to each school district shall be the sum of:

(a) The total allocation for current operation as determined in Section 4,

(b) The total allocation for pupil transportation as determined in Section 5, and

(c) The total allocation for school construction and debt service as determined in Section 6.

(2) The department shall distribute the annual allocation prescribed herein and all other allocations as provided for by law periodically to each school district in the manner prescribed by regulations of the state board. In any year that appropriations for the state share of the Florida educational finance program are not adequate to fully fund the program as provided in this act each district shall receive a pro rata distribution of the appropriation on the basis that each district's share relates to the share for all districts.

Section 8. Capital outlay and debt service units.—For the purpose of administering the provisions of Article XII, section 9(d) of the constitution as amended in 1972, the number of current instruction units in school districts shall be computed by multiplying the number of full-time equivalent students in each district as defined in subsection (5) of section 3 of this act by the cost factors in section 4(1)(c) of this act except that all basic program cost factors shall be one (1.00) and the special program cost factors for hospital and homebound I and for community service shall be zero (0) and dividing by twenty-two (22).

Section 9. Comprehensive information, accounting and reporting system.—

(1) Comprehensive information and assessment system.—The commissioner shall, by July 1, 1974 develop plans for the design and implementation of a comprehensive management information and assessment system. The plans may be developed using contracted services as are deemed necessary and shall involve representative school districts to assure that individual district management information and assessment systems provide output reports that are compatible with the required input needs of this system. By July 1, 1975 the system shall be in operation in each appropriate division of the department and a compatible system shall be in operation in each district. The commissioner shall report on the progress of the plans to the governor, the state board and the legislature prior to the beginning of the regular 1974 and 1975 legislative sessions. The state plans and system and the compatible district systems shall provide for at least the following:

(a) Determination of the management decisions which will be made at each educational level, and what information is



needed at each level; provided, however, that the primary unit for information and assessment shall be the individual school.

(b) Standardization of reporting definitions and terms.

(c) Procedures for assuring the compatibility of management objectives at the department, division, and district level necessary to implement public education policy.

(d) Procedures for assuring comparability between student performance information collected and reported by this system and national indicators of student performance.

(e) Compilations of relevant standardized fiscal, student, program, personnel, facility and community information in forms usable at various management and policy making levels.

(f) Integration of all present information components of the appropriate divisions of the department of education into the comprehensive system which shall include such present educational information components such as accreditation, student assessment, school house facilities, and cost accounting.

(g) Procedures for collection and dissemination of collected educational information required by other state agencies and federal agencies.

(h) Procedures for a continuous review of all components of the information system to assure that information collected is necessary, adequate, and reliable, and that it is processed in an efficient manner.

(i) Procedures for minimizing the number and complexity of required input reports generated at the individual school level, consistent with information needs identified at the state and federal levels.

(2) Cost accounting.—Each school district shall account for expenditures of all state, local and federal funds on a school-by-school and a district aggregate basis in accordance with standards established by the department or as provided by law. The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board.

(3) Cost reporting.—Each school district shall report expenditures of all funds on a school-by-school and on an aggregate district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in the cost factors in section 4(1)(c) of this act. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and improvement of the accounting and reporting system. The department shall report to the legislature thirty (30) days prior to the opening of the regular 1974 session and each year thereafter, the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation in 1973-74. The refinements and improvements identified in the district's plan and the state plan shall be accomplished within a three (3) year period. Each approved district plan and the state plan shall incorporate procedures or the alternatives considered for minimizing the number and complexity of reports from the school level.

Section 10. Section 236.01, Florida Statutes is repealed.

Section 11. The introductory paragraph of section 236.02, 1972 supplement to Florida statutes, is amended to read:

236.02 Minimum requirements of the Florida educational finance program.—Each district which participates in the state appropriations for the Florida educational finance program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

Section 12. Subsections (4) and (5), and paragraphs (a) and (b) of subsection (6) of section 236.02, 1972 Supplement to Florida statutes, are repealed, and subsections (6), (7), (8) and (9) are renumbered as subsections (4), (5), (6) and (7).

Section 13. Section 236.03, 1972 Supplement to Florida statutes, is repealed.

Section 14. The introductory paragraph and subsections (1), (2), (3), (4), (5), (6), (7), (10), and (11) of section 236.04, 1972 Supplement to Florida statutes, are repealed.

Section 15. Subsection (8) of section 236.04, 1972 Supplement to Florida statutes, is renumbered as section 236.10 and amended to read:

236.10 ~~(8)~~ Units Allocation for occupational specialists.—For each twenty vocational education units one instruction unit or proportionate fraction of a unit shall be allowed. The department of education is authorized to allocate an amount as prescribed annually by the legislature for employment of occupational specialists in the same ratio as the full-time equivalent student membership in vocational programs to the full-time equivalent student membership of vocational programs of the state for the prior year when used in accordance with regulations prescribed by the state board of education.

Section 16. Subsection (9) of section 236.04, 1972 Supplement to Florida statutes, is renumbered as section 236.11 and amended to read:

236.11 ~~(9)~~ Units Allocation for elementary school counselors.—The department of education is authorized to allocate an amount as prescribed annually by the legislature instructional units for elementary school counselors to the districts in the same ratio as the full-time equivalent membership of the district to the full-time equivalent membership of the state for the prior year in grades kindergarten through six (6) for the employment of certified elementary school counselors. These units shall not earn special teacher service units.

Section 17. Chapter 72-283, Laws of Florida, is repealed.

Section 18. Sections 236.05 and 236.08, 1972 Supplement to Florida statutes, are repealed.

Section 19. The introductory paragraph and subsections (1), (2), (4), (5), (6), (7), (8), (9), and (10) of section 236.07, 1972 Supplement to Florida statutes, are repealed.

Section 20. Subparagraph 1. of paragraph (c) of subsection (3) of section 236.07, 1972 Supplement to Florida statutes, is renumbered as section 236.12 and amended to read:

~~(c)1.~~ 236.12 Allocation for summer enrichment and recreation programs.—The aggregate amount included for salaries for instructional personnel for services in the ten month program shall be increased by three and three-tenths percent, and such amount shall be included in the minimum foundation for salaries for supervisors, regular instructional personnel, special teacher service personnel, vocational teachers and general adult education teachers in each district when such funds are used to pay the The department of education is authorized to allocate an amount not to exceed six dollars (\$6.00) per full-time equivalent student for the salaries of instructional personnel who are employed, pursuant to regulations of the state board, to conduct enrichment and recreational programs for the two-month period, or fractional part thereof, beyond the ten months of employment required in section 236.02. The school district shall be required to pay such personnel employed beyond the ten months aggregate salaries which shall not be less than the amount provided for such purposes, or the amount provided herein shall be reduced to the aggregate of actual salaries paid, whichever is the lesser. Such regulations of the state board shall permit during such two month period, or fractional part thereof, the use of such salary funds as hereinafter prescribed.

a. For the employment of supervisors.

b. For the employment of special teacher service personnel.

c. For the employment of general adult education and vocational teachers.

d. For the employment of classroom teachers to provide academic instruction to pupils.

e. For the employment of teachers to provide pre-school orientation for pupils.

Section 21. Paragraphs (a), (b), and subparagraphs 2., 3. and 4. of paragraph (c) of subsection (3) of section 236.07, 1972 supplement to Florida statutes, are repealed.

Section 22. Subsection (2) of section 236.0711, Florida statutes, is repealed.

Section 23. Section 236.09, Florida statutes, is repealed.

Section 24. Section 236.13, 1972 Supplement to Florida statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

Section 25. Section 228.041 is amended to add a new subsection (19) and renumbering all remaining subsections:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida school code they shall be used as follows:

(19) *Exceptional students.*—The term "exceptional students" means any child or youth who has been certified by a specialist qualified under regulations of the state board of education to examine exceptional students as one who is unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provisions of special classes, instruction, facilities or related services, or a combination thereof. The term "exceptional students" includes the following: The educable mentally retarded, the trainable mentally retarded, the speech impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health impaired, the emotionally disturbed and socially maladjusted, those with specific learning disabilities, and may include the gifted.

Section 26. Subparagraph (m) of subsection (4) of section 230.23 is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) Establishment, organization, and operation of schools.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the districts, as follows:

(m) *Exceptional students.*—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board of education as acceptable, including that:

1. The school board provides the necessary professional services for diagnosis and evaluation of exceptional students;

2. ~~Special instruction, classes and services within district school systems;~~

2. ~~Contractual arrangements by district boards with approved private or nonpublic schools or community facilities.~~

2. The school board provides the special instruction, classes and services either within the district school system, or in cooperation with other district school systems or through contractual arrangements with approved private or nonpublic schools or community facilities.

3. The school board submits annually to the department its proposed procedures for the provision of special instruction and services for exceptional students.

4. No student shall be given special instruction or services until he is properly classified as an exceptional student. The parent or guardian of an exceptional student placed or denied placement in a program of special education shall be notified promptly of such placement or impending placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to review of the determination and of the procedures for obtaining such review.

5. In providing for the education of exceptional students the superintendent, principals, and teachers shall utilize the regular school facilities and adopt them to the needs of exceptional students whenever this is possible. No student shall be segregated and taught apart from normal students until a careful study of the student's case has been made and evidence obtained which indicates that segregation would be for the student's benefit or is necessary because of difficulties involved in teaching the student in a regular class.

6. The principal of the school in which the student is taught shall keep a written record of the case history of each ex-

*ceptional student showing the reason for the student's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional students and this record shall be available for inspection by school officials at any time.*

Section 27. Severability.—If any word, phrase, sentence, paragraph or section of this act be found to be unconstitutional, such finding shall not affect any other part of this act.

Section 28. Effective date.—This act shall take effect July 1, 1973.

On motion by Senator Williams the following amendment to Amendment 1 was adopted:

Amendment 1c—On page 14, line 33 Following "\$154,435,500." insert: A new Section 5 to read: Section 5. For the fiscal year 1973-74, the procedure for determining the initial apportionment to each district shall be as follows:

(1) Multiply the total number of instruction units computed pursuant to law by fourteen thousand dollars (\$14,000.00), and

(2) Subtract from the amount determined in (1) the district required local effort which shall be determined as follows:

(a) Computation of district required local effort.—The amount that each district shall provide toward the cost of the Florida educational finance program shall be calculated as follows:

1. The aggregate required local effort for all school districts for the school fiscal year 1973-74 shall be three hundred four million fifty nine thousand dollars (\$304,059,000), and of this amount each school district's required local effort shall be computed as follows:

a. Determine separately for each district and for all districts collectively the value of non-exempt assessed valuation, which value shall exclude the total value of the additional homestead exemptions authorized in chapter 71-309, Law of Florida, as shown on the 1973 calendar year tax roll upon which school taxes for operating purposes are to be collected that year, and

b. Determine for each school district that district's percentage of the state total computed in a. of subparagraph 1, and

c. Multiply the aggregate local required local effort as set forth in this subparagraph by each district's percentage as determined in b. of subparagraph 1. and the product shall be the individual district's required local effort for 1973-74.

(3) The amount determined when subsection (2) is subtracted from the amount determined in subsection (1) shall be the minimum allocation for fiscal year 1973-74.

(4) The amount thus obtained shall represent the net annual state allocation to each school district; provided that, notwithstanding any of the provisions herein, each school district shall be guaranteed a minimum level of funding for the 1973-74 school year in the amount and manner prescribed below:

(a) The department of education shall determine the average unit value for the fiscal year 1972-73 for each district as follows: divide the total number of instruction units included in the 1972-73 Florida minimum foundation program into the sum of the cost of the state's share of the Florida minimum foundation program for instructional salaries and current expense other than transportation before adjustment for prior years, plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1972 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5,000) homestead exemption provided in chapter 71-309, Laws of Florida.

(b) The average unit value determined in paragraph (a) shall be increased by five percent (5%).

(c) The amount determined in paragraph (b) shall be multiplied by the number of instruction units that would have accrued in a 1973-74 Florida minimum foundation program which shall be calculated following the same procedure used for calculated units in the 1972-73 Florida minimum foundation program.



(d) The amount determined in paragraph (c) shall be the minimum level of funding for each district for the 1973-74 fiscal year from the following: The state's share of the Florida educational finance program plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1973 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5000) homestead exemption provided in chapter 71-309, Laws of Florida.

(5) Provided however, for the fiscal year 1973-74 only, if the amount determined in subsection (3) is less than the amount determined in subsection (4) the district minimum allocation shall be the amount determined in subsection (4).

(6) For 1974-75 fiscal year and thereafter the commissioner shall, in the legislative budget recommendations, provide for an increase in funding special programs among the districts for exceptional children and vocational education, giving highest priority to those districts that are below the state average utilization in such programs; providing that these districts can effectively utilize such increase in those special programs.

(7) This section shall take effective July 1, 1973 and renumber the remaining sections of this bill accordingly.

#### The President presiding.

The hour for taking up the matter of Executive Suspensions having arrived (as previously set), the President recognized Honorable Frederick B. Karl, as Special Master for his report(s) as to same, whereupon the Special Master reported as to . . .

**Robert S. Appleton, Solicitor, Criminal Court of Record,  
Monroe County, Florida:**

Re: Mr. Robert S. Appleton  
Suspended Solicitor  
Criminal Court of Record  
Monroe County, Florida

May 8, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Robert S. Appleton.

On March 31, 1970, Mr. Appleton was suspended from the office of Solicitor, Criminal Court of Record for Monroe County. Mr. Appleton was charged with conspiracy to commit a felony and accepting a bribe.

It has been brought to the attention of the Special Master on Executive Suspensions that an Executive Order Revoking the suspension of Mr. Appleton, dated February 8, 1973, has been entered by the Governor withdrawing the Order of Suspension of Mr. Appleton.

In view of the above, no Senate action is necessary.

Respectfully submitted,  
**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**Paul Bryant, Member, Board of County Commissioners,  
Martin County, Florida:**

Re: Mr. Paul Bryant  
Suspended Member of the  
Board of County Commissioners  
Martin County, Florida

May 22, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Paul Bryant.

On September 20, 1972, Mr. Bryant was suspended from the office of Member, Board of County Commissioners for Martin County. Mr. Bryant was charged with soliciting unauthorized compensation.

Two pre-hearing conferences were scheduled and a final hearing was scheduled. Immediately prior to the beginning of the hearing it was brought to the attention of the Special Master that Mr. Bryant had submitted his resignation and asked that it be effective immediately. The resignation was duly accepted by the Governor.

In view of the above, no Senate action is necessary.

Respectfully submitted,  
**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**Willis V. McCall, Sheriff, Lake County, Florida:**

Re: Mr. Willis V. McCall  
Suspended Sheriff  
Lake County, Florida

May 8, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Willis V. McCall.

On June 12, 1972, Mr. McCall was suspended from the office of Sheriff, Lake County. Mr. McCall was charged with malfeasance, misfeasance, neglect of duty, incompetence or commission of a felony.

This case was scheduled for a pre-hearing conference following the disposition of the charges. Prior to the pre-hearing conference it was brought to the attention of the Special Master on Executive Suspensions that Mr. McCall submitted his resignation and asked that it be effective immediately. The resignation was duly accepted by the Governor.

In view of the above, no Senate action is necessary.

Respectfully submitted,  
**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**James A. Peacock, Jr., Clerk, Circuit Court, Calhoun County,  
Florida:**

Re: Mr. James A. Peacock, Jr.  
Suspended Clerk of the  
Circuit Court  
Calhoun County, Florida

May 8, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. James A. Peacock, Jr.

On November 1, 1971, Mr. Peacock was suspended from the office of Clerk of the Circuit for Calhoun County. Mr. Peacock was charged with malfeasance, misfeasance, neglect of duty and commission of a felony.

It has been brought to the attention of the Special Master on Executive Suspensions that an Executive Order reinstating Mr. Peacock, dated March 2, 1972, has been entered by the Governor.

In view of the above, no Senate action is necessary.

Respectfully submitted,  
**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**J. W. Pridgeon, Sheriff, Lafayette County, Florida:**

Re: Mr. J. W. Pridgeon  
Suspended Sheriff  
Lafayette County

May 8, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. J. W. Pridgeon.

On March 2, 1971, Mr. Pridgeon was suspended from the office of Sheriff, Lafayette County. Mr. Pridgeon was charged with malfeasance, misfeasance, neglect of duty and incompetency in office.

A copy of the verdict presented by a jury in Leon County finding the defendant guilty of a felony as charged in the indictment has been received.

Article VI, Section 4 of the Florida Constitution and Section 112.01, Florida Statutes, disqualify a convicted felon from holding office.

In view of the above, no Senate action is necessary.

Respectfully submitted,

**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**Rudy Rodriguez, Member, Board of County Commissioners, Hillsborough County, Florida:**

Re: Mr. Rudy H. Rodriguez  
Suspended Member of the  
Board of County Commissioners  
Hillsborough County, Florida

May 8, 1973

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Rudy H. Rodriguez.

On March 13, 1972, Mr. Rodriguez was suspended from the office of Member, Board of County Commissioners for Hillsborough County. Mr. Rodriguez was charged with conspiracy to commit a felony.

This case was scheduled for a pre-hearing conference following the disposition of the charges. Prior to the pre-hearing conference it was brought to the attention of the Special Master on Executive Suspensions that an Executive Order dated March 16, 1973, reinstating Mr. Rodriguez had been entered by the Governor.

In view of the above, no Senate action is necessary.

Respectfully submitted,

**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions

Whereupon the recommendation was adopted by direction of the President.

**Don R. Watson, Sheriff, Jefferson County, Florida:**

Re: Mr. Don R. Watson  
Suspended Sheriff  
Jefferson County, Florida

May 23, 1973

Dear Mr. President:

Don R. Watson was duly elected Sheriff of Jefferson County, Florida. On May 25, 1971, the Grand Jurors of the State of Florida empaneled and sworn, in and for Jefferson County, Florida, returned two true bills against the said Don R. Watson for crimes against the State of Florida. The first was an indictment for malfeasance, misfeasance and nonfeasance,

misdeemeanors under Florida law. The other indictment was for possession of still apparatus; removing, depositing or concealing moonshine whiskey and conspiracy. The latter charges constitute felonies under the Florida Statutes.

Thereafter, by Executive Order Number 70-35, dated May 27, 1971, the Governor suspended Don R. Watson from performing any official act, duty or function of the office of Sheriff of Jefferson County, Florida, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of the office.

Rule 12 of the RULES OF THE FLORIDA SENATE concerning the Suspension of Public Officials states an executive suspension of a public official who is under indictment or has criminal charges pending against that official shall not be considered by the Senate until the pending charges have been dismissed or until final determination of the charges at the trial court level. Therefore, the Select Committee on Executive Suspensions merely established a file on the case, made periodic inquiries concerning the status of the pending criminal charges, but made no report to the Senate.

In November, 1972, this matter was referred to the undersigned as Special Master on Executive Suspensions pursuant to Rule 12 of the RULES OF THE FLORIDA SENATE.

Upon assuming responsibility for this case an inquiry was made concerning the status of the pending criminal charges. It was ascertained that on March 29-30, 1972, a jury in the County Court returned a verdict of guilty on four counts of malfeasance, misfeasance and nonfeasance against Mr. Watson. As a result of that conviction, and after investigation by the Probation and Parole Commission, the Judge of the County Court fined Mr. Watson \$250 or three months in confinement. At that time the felony charges, then pending in the Circuit Court, had not been disposed of.

A later inquiry disclosed that the State Attorney's office did not intend to prosecute Mr. Watson on the felony charges and that there was a strong possibility that those charges would be dismissed. Accordingly, in an attempt to prepare this matter for report to the 1973 Session of the Senate, a pre-hearing conference was scheduled for Monday, January 15, 1973, in the Capitol Building, Tallahassee. Neither Mr. Watson nor his attorney appeared at that pre-hearing conference but a telegram addressed to the Special Master was received. The telegram stated:

"I waive my rights to counsel and presents at your hearing. Reason I can't afford one and am financially destitute. I do not want the job and am attempting to dissolve my financial and personal problems at this time. Sorry to have been inconvenient thank you and best regards. Don R. Watson suspended sheriff of Jefferson County Florida."

Although the Governor's office was prepared to proceed and the telegram was received, it was decided not to go forward with the case until there had been a disposition of the charges and until Mr. Watson had been personally contacted to be assured he did not need to be represented by counsel but could be heard in person.

On February 27, 1973, the Circuit Court in Jefferson County, Florida, granted the motion of the State Attorney and dismissed the pending charges against Don R. Watson and discharged him.

A second pre-hearing conference was scheduled for Friday, April 13, 1973, in the Capitol Building in Tallahassee. Mr. Watson was notified by a certified mailing of a copy of the notice. A copy was also forwarded to Mr. Watson's attorney of record. The Sheriffs of both Leon County and Jefferson County were given copies of the notice with a request that they be personally served on Mr. Watson. Both Sheriffs filed returns indicating they were unable to locate him within the boundaries of either county. March 27, 1973, Mr. Ben W. Thompson, Jr., informed the Special Master that he no longer represented Mr. Watson.

On March 23, 1973, in an attempt to be certain that the notice had actually reached Mr. Watson, he was contacted by telephone at a location in Georgia. It was explained to him that the hearing would be conducted on April 13, that he need not have an attorney, and that either his personal

testimony or sworn or unsworn statement would be received if he elected to file one. There was no further communication with Mr. Watson.

On April 13, 1973, the pre-hearing conference was called to order. Mr. Watson did not appear nor did he offer any explanation for his absence. After waiting approximately thirty minutes the hearing was adjourned.

Mr. Watson did not seek re-election to the office of Sheriff in 1972 and so there is no question concerning his being returned to the office, but the question of his suspension or removal and the resulting effects concerning pay, attorneys fees, costs, etc., remain.

In view of Mr. Watson's conviction in the County Court, the uncontroverted charges in the Governor's Suspension Order, the content of Mr. Watson's telegram of January 15, 1973, his failure to appear at either of the pre-hearing conferences, and his failure to submit any statement either sworn or unsworn, it is the opinion of the undersigned Special Master on Executive Suspensions that no further proceedings are necessary and that the Senate should reach its conclusion based on the above facts.

Accordingly, it is recommended that the Governor's Suspension Order be upheld and that Don R. Watson be removed from the office of Sheriff of Jefferson County, Florida.

*Respectfully submitted,*  
**FREDERICK B. KARL**  
 Special Master on  
 Executive Suspensions for  
 The Florida Senate

Senator Poston moved that the Senate finds the evidence supports the Executive Order of Suspension by the Governor, and that Don R. Watson be removed from the office of Sheriff of Jefferson County, Florida, pursuant to the Constitution and Statutes of Florida. The vote was:

Yeas—31

|               |             |             |             |
|---------------|-------------|-------------|-------------|
| Mr. President | Graham      | Peterson    | Stolzenburg |
| Brantley      | Gruber      | Pettigrew   | Sykes       |
| Deeb          | Johnson     | Plante      | Trask       |
| Firestone     | Lane (31st) | Poston      | Vogt        |
| Gallen        | Lane (23rd) | Sayler      | Ware        |
| Gillespie     | Lewis       | Scarborough | Wilson      |
| Glisson       | McClain     | Sims        | Zinkil      |
| Gordon        | Myers       | Smathers    |             |

Nays—None

By unanimous consent Senators Childers and Henderson were recorded as voting yea.

Whereupon Don R. Watson was so removed.

On motion by Senator Firestone, the rules were waived and time of adjournment was extended until final disposition of executive order of suspension in the matter of L. E. Hatcher.

**L. E. Hatcher, Member, Board of County Commissioners  
 Dixie County, Florida:**

Re: Mr. L. E. Hatcher

May 22, 1973

Suspended Member of the  
 Board of County Commissioners  
 Dixie County, Florida

Dear Mr. President:

L. E. Hatcher was duly elected as a County Commissioner for Dixie County and was serving in that capacity on the 24th day of February, 1972, when an information was filed in the Circuit Court of the Third Judicial Circuit in and for Dixie County, Florida, charging him with the crime of accepting unauthorized compensation. On March 22, 1972, by Executive Order of Suspension, Governor Reubin O'D. Askew suspended Mr. Hatcher from that office.

Rule 12 of the RULES OF THE FLORIDA SENATE prohibit the Senate from taking action on the suspension until final disposition of criminal charges at the trial court level. Therefore, the Senate Select Committee on Executive Suspensions took no action toward preparing to report to the 1972 Regular Session of the Legislature.

On June 28, 1972, Mr. Hatcher was tried in the Circuit Court before a six-man jury on the charges contained in the information filed against him. He was acquitted.

Thereafter, the Governor filed an Amended Executive Order of Suspension substantially broadening the charges against Mr. Hatcher.

It should be noted here that on February 17, 1969, the Florida Senate decided that the Governor should be required to include in his suspension order all charges known to him or which he should, by reasonable inquiry or investigation, have discovered, and that the public official could not thereafter be re-suspended on any charges that were omitted from the original suspension order. It was for that reason that the Governor broadened the order in this case to include all alleged wrongful actions of Mr. Hatcher that were known to him at that time. (See page 1 of Executive Order 73-5.)

In November 1972 the Senate President, acting under the authority of Rule 12 of the RULES OF THE FLORIDA SENATE, referred this matter to the undersigned Special Master for investigation, report and recommendations.

A pre-hearing conference was held on January 15, 1973, and the hearing, at which testimony and other evidence was presented, was held on February 12 and 13. Reasonable notice of the time and place of both hearings were given to the Governor and to Mr. Hatcher. Mr. Hatcher attended both hearings, he testified on his own behalf and was represented throughout the proceedings by his attorney. Eighteen witness subpoenas were issued at the request of the parties. The proceedings were reported by the court reporter employed by the Joint Management Committee and the transcript of both hearings are available for review by the Senate.

Before undertaking a report on the evidence presented at the hearing there are two points that should be discussed and clarified.

(1). Customarily the Governor suspends a public officer following the filing of a criminal indictment or information against him. Obviously the grounds for suspensions are similar to the criminal charges. In some cases the two are identical. When a jury hears the testimony and acquits the public officer, as in this case, the question arises as to the constitutional right of the Senate to remove the official from his office on the same or similar facts.

The criminal procedure and the suspension-removal procedure, although often involving the same facts, are completely different and do not constitute double jeopardy. See *State ex rel. Myerson v. Askew*, 269 So. 2d 671 (Fla. 1972); *Executive Suspension and Removal of Public Officers Under the 1968 Florida Constitution*, 23 U. Fla. L. Rev. 651 (1971).

Every officer, not subject to impeachment, takes his office subject to the provisions of Article IV, Section 7, Florida Constitution (1968), which authorizes the Governor to suspend and the Senate to remove any such officer for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony. Therefore if the Governor is satisfied the public officer is guilty of one or more of the constitutional grounds, he may suspend him; and if a majority of the Senate is satisfied the official is guilty, it may remove him from the office, notwithstanding the official's acquittal in a criminal case.

In a criminal proceeding the jury must find the accused guilty of all elements of a specific crime; that it was committed on a specific date at a specific time and place; and the jury must so find above, beyond and to the exclusion of a reasonable doubt. On the other hand, the Senate is required, by majority vote, to find that the officer has indulged in the activity described in the suspension order and that such activity constitutes one or more of the constitutional grounds for suspension and removal. The degree of proof required is that which is required to move the conscience of a majority of the Senators. It follows then that a jury may not be satisfied above, beyond and to the exclusion of a reasonable doubt that a specific crime has been committed, but the Senate, hearing substantially the same evidence, may conclude that the official is guilty of one or more of the constitutional grounds for suspension and removal. The official may not be required to pay a fine or serve time in prison, but on the same facts may be removed from a position of public trust.

The Senate has heretofore, in other cases, followed this procedure and removed from office public officials who were guilty of one of the constitutional grounds for suspension and removal, even though the officials had been acquitted previously of criminal charges.

(2). The second point involves the evidence itself. Historically the Florida Supreme Court has taken the position that the Senate's judgment is final as to the evidence and that it was not to be reviewed by the Court. See *State ex rel. Hardie v. Coleman*, 115 Fla. 119, 155 So. 129 (1934) and *State ex rel. Hardee v. Allen*, 126 Fla. 878, 172 So. 222 (1937). But in 1972 in *State ex rel. Myerson v. Askew*, 269 So. 2d. 671 the Court indicated that the precedent would no longer be followed and that the evidence in each case might be subjected to review by the Court. If such is to be the course followed by the Court, many of the advantages of Florida's unique system of suspension and removal of public officials might well be lost.

But the Court may not have fully understood the Senate procedure and may have assumed that the Committee Report was a complete statement of all the evidence, instead of an advisory summary only, in which case the new judicial precedent will not control in future cases. To avoid the possibility of similar misunderstanding in this case, let the record clearly reflect that the final decision of the Senate will be based on a review of all of the evidence, the discussion on the floor of the Senate and the content of this advisory report. If any judicial review of the evidence is undertaken to determine whether it is sufficient to support the final decision of the Senate, the review should include the entire record made before the Special Master and the debate of the entire Senate.

With that understanding and caveat this report will only summarize the evidence in general terms.

The Suspension Order charges that Mr. L. E. Hatcher, while acting as a County Commissioner of Dixie County, accepted or solicited \$1,000 from William Moore with the understanding that he would act or refrain from acting in order to assure approval by the Board of County Commissioners of a plan or plat for a proposed subdivision. It is also charged that Mr. Hatcher did solicit, agree and conspire to accept the additional sum of \$5,000 from Mr. Moore to be delivered and consummated upon acceptance of the plan or plat, with the understanding that Mr. Hatcher would assure the approval of the Board of County Commissioners. The Suspension Order alleges that such action constitutes malfeasance, misfeasance, or neglect of duty as used in Section 7(a), Article IV, Florida Constitution, 1968.

The first witness, Mr. William Moore, was, in 1971, a part owner of a parcel of land in Dixie County, Florida, containing approximately 320 acres and located near Old Town. The land was purchased for development as a retirement type subdivision and the owners desire to file a subdivision plan or plat and sell lots by reference to that plat. Mr. Moore testified that he made inquiry of the Clerk of the Circuit Court and learned there was no County plat regulation in effect but that each County Commissioner had control over his own district. The land was in County Commissioner L. E. Hatcher's district so Mr. Moore arranged to meet Mr. Hatcher.

There followed a series of events involving the procedure for clearing the rights-of-way, the competency of the person hired by Mr. Moore to do the job and the alleged sabotaging of heavy equipment being used on the job. There were conflicts in the testimony as to many of the details, but all the witnesses agreed that a Mr. Shirley, who had originally been employed to do the work, withdrew from the job and removed his equipment. A Mr. Woodall, who was a friend of Mr. Hatcher, was given the opportunity to do the work.

In the process of the negotiations as to who would do the clearing work, Mr. Woodall, according to Mr. Moore's testimony, approached him concerning the need to pay Mr. Hatcher some money to get the necessary county approval.

Mr. Moore contacted the State Attorney, Mr. Slaughter, and without giving his name, reported that a bribe had been solicited and that he was trying to secure positive proof of it. Then Mr. Moore contacted the Florida Department of Law Enforcement and told them of the situation. In this report I will hereafter refer to the Department of Law Enforcement as DLE.

With the consent of Mr. Moore, the DLE taped various telephone conversations in which it was agreed between Mr. Moore and Mr. Hatcher that they would meet in a restaurant

in Cross City. Mr. Moore allowed the DLE agents to install on his person an electronic transmitting device. The agents gave Mr. Moore \$1,000 in cash in a white envelope and then took him to the meeting. Agents of the DLE stationed themselves in and around the restaurant to observe and to receive and record the transmissions from the concealed electronic devices.

Mr. Moore, after discussing with Mr. Hatcher the dangers involved in this type of transaction, gave Mr. Hatcher the envelope containing the \$1,000 in cash while the two were standing on the street in front of the restaurant in Cross City. Mr. Hatcher placed the envelope in his pocket where it was later photographed by an agent of the DLE. It was understood that an additional \$1,000 would be paid to Mr. Hatcher when the plat was accepted by the County Commission.

Sometime later Mr. Hatcher and Mr. Moore arranged, by telephone, for a meeting to discuss another proposition. All such telephone conversations were recorded with the consent of Mr. Moore.

At Mr. Hatcher's request a meeting was held between Mr. Hatcher and Mr. Moore in the Suwannee Gables Motel near Old Town in Dixie County. Mr. Moore and Mr. Hatcher conferred in a rented room in the Motel while the agents of the DLE were in the adjoining room monitoring and recording the conversations being transmitted from the electronic devices on Mr. Moore and those hidden in the motel room. In that conversation Mr. Hatcher said he could arrange for two of the County Commissioners to go along with the approval of the plat even before the basic right-of-way work was completed and that the County would actually do the improvements if an additional sum of \$5,000 was paid by Mr. Moore to Mr. Hatcher. At that meeting there was a clear solicitation of a bribe. No money was passed. Mr. Hatcher, after leaving the motel, became suspicious of Mr. Moore and refused to talk further about the arrangements.

The Governor presented four additional witnesses for corroboration of parts of Mr. Moore's testimony and, of course, offered in evidence the photograph and the tapes of the telephone conversations and meetings.

Eleven witnesses appeared for Mr. Hatcher. Several of the witnesses addressed themselves to Mr. Hatcher's character and reputation. Mr. Hatcher had previously served as Sheriff and, according to the witnesses, enjoyed a good reputation in his county. Other evidence indicated Mr. Hatcher had once been indicted for a serious offense but that the case had never come to trial. One of the witnesses, Mr. Ben Floyd, testified he was the Chairman of the Governor's Committee in Dixie County and that he had been appointed by the Governor to serve during the suspension of Mr. Hatcher. He stated he requested the Governor to reinstate Mr. Hatcher. Other witnesses, among them the other County Commissioners, testified concerning the procedures for handling the approval of subdivision plats and other County Commission procedures.

Finally, Mr. Hatcher testified on his own behalf. His testimony appears on pages 679 through 783 of the transcript. Mr. Hatcher specifically denied many of the statements made by Mr. Moore concerning the preliminary discussions about the clearing and grading procedures and the acquisition by Mr. Hatcher of the timber on the subject property.

Mr. Hatcher's version of the financial arrangements is that Mr. Moore first approached Mr. Woodall with an inquiry concerning a payoff to get the subdivision approval. Mr. Hatcher testified he knew Mr. Moore by reputation and that Mr. Moore was working with people that were trying to "get" him. He decided to go along with it for a while. Mr. Hatcher testified he stated to Mr. Woodall: "You go along with whatever he wants. I'll do my damndest to break him from sucking eggs."

Mr. Hatcher confirmed the meeting at the restaurant in Cross City and that he received the envelope containing the \$1,000 in cash. His position was that he was afraid Mr. Moore's men were around and would harm him. He also took the money so he could work out a way to trap Mr. Moore.

Mr. Hatcher testified that the subsequent calls and the meeting at the motel concerning the second proposal were for the purpose of securing evidence against Mr. Moore.

On November 11, 1971, approximately two weeks after receiving it, Mr. Hatcher gave the \$1,000 in cash to deputy Sheriff Leon Ward, a person related to him by marriage,

who had been a deputy sheriff during the time Mr. Hatcher had served as the County's sheriff. He admonished Mr. Ward that the situation was serious and that he should tell no one about it. Mr. Ward held on to the money and told no one about it until about the time of the criminal trial of Mr. Hatcher, several months later. This arrangement, Mr. Hatcher testified, was to permit him to go to the authorities and report the whole thing if he was unable to further implicate Mr. Moore.

The transcript of the testimony in the criminal trial was filed by Mr. Hatcher and received in evidence. It also has been available for review by the Senate. The criminal trial was on the charge that on October 28, 1971, Mr. Hatcher received unauthorized compensation in the amount of \$1,000 for the purpose of approving the plat. The tapes of the various conversations were not offered in evidence in that trial. The jury returned a not guilty verdict.

The uncontroverted evidence to which there were no objections at the hearing before the Special Master, shows that at all material times Mr. Hatcher was a County Commissioner in Dixie County; that as to proposed subdivisions in his district he had the responsibility of making recommendations to the Board of County Commissioners and had one of five votes on the question of approval or disapproval of plats; that he authorized Mr. Woodall to arrange for the payment of money to him by Mr. Moore; that \$1,000 in cash was actually paid; that the money was kept by Mr. Hatcher and comingled with his own money for about two weeks at which time he delivered this same amount, although in different denominations, to Mr. Ward; that Mr. Hatcher proposed to Mr. Moore a second arrangement in which Mr. Moore's plat would be accepted through the official assistance of Mr. Hatcher and an additional \$5,000 would be paid; that neither Mr. Hatcher nor Mr. Ward disclosed to any law enforcement agency nor any State Attorney that they knew of the transaction or had the \$1,000 in their possession for approximately four months.

The Governor takes the position that the money was paid and received with the intent to influence the official actions of Mr. Hatcher in his capacity as County Commissioner and that the subsequent solicitation by Mr. Hatcher for the additional \$5,000 was made by Mr. Hatcher with intent of receiving the additional \$5,000 in unlawful compensation. Mr. Hatcher's defense is that he had no intention of accepting money improperly, but that he was trying to trap Mr. Moore.

After hearing all of the testimony, observing all of the witnesses as they testified, receiving and reviewing the other evidence presented and considering the objections made by the attorneys, it is the opinion of the Special Master that the critical questions as to Mr. Hatcher's motives and intentions must be reconciled against him.

It is therefore concluded that the allegations in the suspension order constitute malfeasance and misfeasance and that the competent evidence presented proves the allegations in the suspension order.

Accordingly, it is recommended that the Senate sustain the suspension order of the Governor and remove Mr. L. E. Hatcher from the office of County Commissioner of Dixie County, Florida.

Respectfully submitted,  
**FREDERICK B. KARL**  
Special Master on  
Executive Suspensions for  
The Florida Senate

Senator Firestone moved that the Senate finds the evidence supports the Executive Order of Suspension by the Governor, and that L. E. Hatcher be removed from the office of Member of the Board of County Commissioners of Dixie County, Florida. The vote was:

Yeas—26

|               |             |           |        |
|---------------|-------------|-----------|--------|
| Mr. President | Glisson     | McClain   | Sykes  |
| Barron        | Gordon      | Peterson  | Vogt   |
| Deeb          | Graham      | Pettigrew | Ware   |
| de la Parte   | Gruber      | Plante    | Wilson |
| Firestone     | Johnson     | Poston    | Zinkil |
| Gallen        | Lane (31st) | Sims      |        |
| Gillespie     | Lewis       | Smathers  |        |

Nays—3

|          |          |             |
|----------|----------|-------------|
| Childers | Johnston | Stolzenburg |
|----------|----------|-------------|

By unanimous consent Senators Brantley, Lane (23rd), Saylor, Henderson, Weber and Winn were recorded as voting yea and Senator Scarborough as voting nay.

Whereupon L. E. Hatcher was so removed.

Mr. President: Let the journal reflect that the original exhibits, transcripts, findings, recommendations, orders, etc., as to these and other Suspension Orders are and will be filed and maintained in the office of the Secretary, and that same have been available to the members, have been examined and inquired about but that, by such a recital, the Senate does not recognize or accede any rights or jurisdiction of review of these Constitutional functions by any court.

On motion by Senator Gillespie the rules were waived and the Senate reverted to—

# MESSAGE FROM THE GOVERNOR

Honorable Mallory E. Horne  
President of the Senate  
The Capitol

May 29, 1973

Dear Sir:

Pursuant to Senate Concurrent Resolution No. 1357, I herewith return to the Senate, Senate Bill 847.

Respectfully,  
**REUBIN ASKEW**  
Governor

On motion by Senator Gillespie, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 847—A bill to be entitled An act relating to firemen; amending section 112.18, Florida Statutes, 1971; including special tax district firemen; amending the provision relating to the presumption that any condition or impairment of health of a fireman caused by tuberculosis, hypertension, or heart disease resulting in disability or death was suffered in the line of duty; amending the provision that such presumption shall not apply to benefits payable under a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits; providing the provision related to presumption shall be upon the insurer, if agreed upon in the policy contract; providing that insurers and governmental entities may negotiate for accidental death benefits or double indemnity coverage on future contracts; amending section 175.231, Florida Statutes, 1971, relating to the same subject; providing an effective date.

—as further amended passed on May 18.

On motion by Senator Gillespie the following amendment was adopted by two-thirds vote:

Amendment 1—On page 2, line 20, strike the period and all of lines 21 through 25 and insert: , *unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.* Nothing herein shall be construed to extend or otherwise affect the provisions of chapter 440.09(4) pertaining to workman's compensation.

On motion by Senator Gillespie, SB 847 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—25

|               |             |           |        |
|---------------|-------------|-----------|--------|
| Mr. President | Gillespie   | McClain   | Weber  |
| Barron        | Glisson     | Myers     | Wilson |
| Brantley      | Gordon      | Pettigrew | Winn   |
| Childers      | Graham      | Poston    | Zinkil |
| de la Parte   | Johnson     | Sims      |        |
| Firestone     | Johnston    | Sykes     |        |
| Gallen        | Lane (23rd) | Vogt      |        |

Nays—6

|                   |                  |             |      |
|-------------------|------------------|-------------|------|
| Lewis<br>Peterson | Plante<br>Sayler | Stolzenburg | Ware |
|-------------------|------------------|-------------|------|

On motion by Senator Graham the rules were waived and the Senate reverted to the order of Introduction and the following bill was introduced by two-thirds vote:

## INTRODUCTION

By Senator Graham—

**SB 1366**—A bill to be entitled An act authorizing expenditures for fixed capital outlay projects at community colleges, area vocational-technical centers, and institutions under the board of regents; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Barron, Rule 2.5 was waived and the Committee on Rules and Calendar was granted permission to consider the following bills at 1:00 p.m. this day: House Bills 1455, 2023, 2064, CS for HB 1374 and SB 1366.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:12 p.m. to reconvene at 2:00 p.m. this day.

## AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—32.

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Glisson     | McClain     | Sykes    |
| Barron        | Gordon      | Myers       | Vogt     |
| Brantley      | Graham      | Peterson    | Ware     |
| Childers      | Gruber      | Plante      | Weber    |
| Deeb          | Henderson   | Poston      | Williams |
| de la Parte   | Johnson     | Saunders    | Wilson   |
| Firestone     | Lane (31st) | Sims        | Winn     |
| Gillespie     | Lewis       | Stolzenburg | Zinkil   |

## REPORTS OF COMMITTEES

Senator Mallory E. Horne  
President, The Florida Senate  
The Capitol

May 28, 1973

Dear Mr. President:

Your Standing Committee on Natural Resources and Conservation to whom was referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

| NAME                                 | OFFICE   | FOR TERM<br>ENDING |
|--------------------------------------|--|--------------------|
| George T. Davis<br>Fernandina Beach  | Harbor Master, Port<br>of Fernandina Beach,<br>Nassau County         | April 5, 1975      |
| James B. Stewart<br>Fernandina Beach | Pilot Commissioner,<br>Port of Fernandina<br>Beach, Nassau<br>County | September 27, 1973 |
| Thomas J. Clark<br>Fernandina Beach  | Pilot Commissioner,<br>Port of Fernandina<br>Beach, Nassau<br>County | September 27, 1973 |
| Arthur I. Jacobs<br>Fernandina Beach | Pilot Commissioner<br>Port of Fernandina<br>Beach, Nassau<br>County  | September 27, 1973 |

|                                     |  |                    |
|-------------------------------------|--|--------------------|
| Eldridge Partin<br>Fernandina Beach | Pilot Commissioner,<br>Port of Fernandina<br>Beach, Nassau<br>County | September 27, 1973 |
|-------------------------------------|--|--------------------|

|  |  |                    |
|--|--|--------------------|
| Andrew S. Allan, III<br>Fernandina Beach | Pilot Commissioner,<br>Port of Fernandina<br>Beach, Nassau<br>County | September 27, 1973 |
|--|--|--------------------|

|                                   |   |                  |
|-----------------------------------|---|------------------|
| Henry E. Simmons<br>Daytona Beach | Member, Ponce De-<br>Leon Port Authority,<br>Volusia County | February 1, 1977 |
|-----------------------------------|---|------------------|

—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments made by the Governor.

Respectfully submitted,

|                                 |                        |
|---------------------------------|------------------------|
| <i>W. D. CHILDERS, Chairman</i> | <i>LEW BRANTLEY,</i>   |
| <i>RICHARD J. DEEB</i>          | <i>Vice Chairman</i>   |
| <i>WARREN S. HENDERSON</i>      | <i>TOM GALLEN</i>      |
| <i>JOHN W. VOGT</i>             | <i>HENRY SAYLER</i>    |
| <i>WILLIAM G. ZINKIL, SR.</i>   | <i>SHERMAN S. WINN</i> |

On motion by Senator Brantley, the report of the Committee was adopted, and the Senate in open session advised and consented to and approved the appointments set forth in the foregoing report. The vote was:

Yeas—26

|               |             |          |          |
|---------------|-------------|----------|----------|
| Mr. President | Gruber      | Peterson | Weber    |
| Barron        | Henderson   | Plante   | Williams |
| Brantley      | Johnson     | Poston   | Wilson   |
| de la Parte   | Johnston    | Saunders | Winn     |
| Firestone     | Lane (31st) | Sims     | Zinkil   |
| Gillespie     | Lewis       | Vogt     |          |
| Graham        | McClain     | Ware     |          |

Nays—None

By unanimous consent Senators Childers and Pettigrew were recorded as voting yea.

The Committee on Rules and Calendar recommends the following pass:

|                |         |         |
|----------------|---------|---------|
| SB 1366        | HB 1455 | HB 2064 |
| CS for HB 1374 | HB 2023 |         |

The bills were placed on the calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment 2 to—

By Senator Henderson—

**SB 753**—A bill to be entitled An act relating to spearfishing; amending §370.172, Florida Statutes; defining "spearfishing"; determining areas where spearfishing may be permitted or prohibited; providing other limitations; providing a penalty; repealing and prohibiting special laws or general laws of local application insofar as they apply to spearfishing in salt waters and saltwater tributaries; providing an effective date.

**Amendment 2**—On page 2, line 15, strike the period "." and insert: and that area described in 370.172(2) and (3), and chapter 30665 Laws of Florida.

—and again requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

On motion by Senator Henderson, the Senate concurred in the House amendment to SB 753.



SB 753 passed by the required constitutional three-fifths vote as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

|               |           |             |          |
|---------------|-----------|-------------|----------|
| Mr. President | Gillespie | Lane (31st) | Sims     |
| Barron        | Glisson   | Lewis       | Vogt     |
| Brantley      | Gordon    | McClain     | Ware     |
| Childers      | Graham    | Peterson    | Williams |
| Deeb          | Gruber    | Plante      | Wilson   |
| de la Parte   | Henderson | Poston      | Winn     |
| Firestone     | Johnson   | Saunders    | Zinkil   |

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting Yea.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senators Myers and Pettigrew—

SB 611—A bill to be entitled An act relating to the public health; authorizing the governing body of each county to create a governmental unit known as a public health trust; providing for a board of trustees of the public health trust, and the manner of selection, removal or replacement; providing for the transfer of designated facilities to the trust; providing for the manner of operation of the facilities; preserving the rights of public employees under existing retirement systems; prohibiting the power of taxation and imposing other restrictions; providing an effective date.

which amendment reads as follows:

On page 5, lines 22-24, strike “; provided” on line 22 and all of lines 23 and 24 and insert the following: . The trust may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the provisions of the Florida Retirement System as authorized by chapter 121, Florida Statutes.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

On motion by Senator Myers, the Senate concurred in the House amendment to SB 611.

SB 611 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Glisson     | McClain     | Sykes    |
| Barron        | Gordon      | Myers       | Vogt     |
| Brantley      | Graham      | Peterson    | Ware     |
| Childers      | Gruber      | Plante      | Weber    |
| Deeb          | Henderson   | Poston      | Williams |
| de la Parte   | Johnson     | Saunders    | Wilson   |
| Firestone     | Lane (31st) | Sims        | Winn     |
| Gillespie     | Lewis       | Stolzenburg | Zinkil   |

Nays—None

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Health and Rehabilitative Services—

CS for SB 1321—A bill to be entitled An act relating to mental health; amending §394.455(12), (13), (21), and (22), Florida Statutes, 1972 Supplement, relating to definitions appropriate to laws on mental health, to redefine the terms “receiving facility,” “treatment facility,” “court,” and “judge”; amending §394.457(3) and (6)(d), Florida Statutes, 1972 Supplement, and adding subsection (9) thereto, to provide that certain services contracted for by the division of mental health of the department of health and rehabilitative services may be reimbursed

by the state; providing for the designation of certain private psychiatric facilities by the department; deleting language regarding court appointment of attorneys; amending §394.459(1), (3), (10) and (12), Florida Statutes, 1971, and adding a new subsection to provide that mentally ill patients may be kept in jail facilities under certain circumstances for a short period of time; providing that patients or their guardians must give consent with respect to certain surgical procedures; providing for consulting physicians in certain cases; providing transportation for certain patients to treatment facilities; providing that any person acting in good faith in compliance with this act and without negligence shall not be liable for violations with respect to certain mental patients; creating §394.460, Florida Statutes, to provide that physicians shall not be required to accept patients for treatment; amending §394.461(3)(a), Florida Statutes, 1972 Supplement, to provide that a patient may be transferred from a private to a public mental health facility upon application to the department; amending §394.463(1)(a) and (d) and (2)(a) and (e), Florida Statutes, 1971, to provide criteria for court ordered evaluation and for emergency admission to a receiving facility and to provide that certain patients undergoing treatment must be released within forty-eight (48) hours of admission; amending §394.465(1), (2)(b) and (4), Florida Statutes, 1971, and adding a new subsection (5) to lower the age at which patients may be admitted for treatment or observation; providing for certain rights with respect to voluntary patients' discharge from a treatment facility; and providing for transfer of patients to voluntary status; amending §394.467, Florida Statutes, 1971, providing certain criteria and procedures for involuntary hospitalization for certain mentally ill persons; providing for commitment to a facility by court action; providing procedures for commitment; amending §394.469(1)(b), Florida Statutes, 1971, to allow an administrator or the patient under certain circumstances to transfer a patient to voluntary status; adding subsection (3) to §394.473, Florida Statutes, 1971, to provide for fees to physicians with respect to indigency cases in court hearings over mental competency; adding paragraph (c) to subsection (5) of §744.31, Florida Statutes, 1971, and amending paragraph (10)(a) thereof, to provide for fees for examining committees and for issuance of certificates of competency under certain circumstances; providing an effective date.

**Amendment 1**—On page 6, lines 12-16, strike all of line 12 through and including line 16 and insert the following: *and in no case longer than five (5) days. Treatment shall be provided to the patient by*

**Amendment 2**—On page 6, line 27, strike all of line 27 and insert the following: *(b) In addition to the provisions of subparagraph (a)*

**Amendment 3**—On page 14, lines 2 & 3, strike all of lines 2 and 3 and insert the following: *ized at the time the certificate is executed or in the county of the patient's residence and the names and addresses of the judges of such courts; and*

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

Senator Myers moved that the Senate concur in House amendments 1, 2 and 3 to CS for SB 1321. The motion was adopted by the following vote:

Yeas—29

|               |             |             |        |
|---------------|-------------|-------------|--------|
| Mr. President | Glisson     | McClain     | Vogt   |
| Barron        | Gordon      | Myers       | Weber  |
| Brantley      | Graham      | Plante      | Wilson |
| Childers      | Gruber      | Poston      | Winn   |
| Deeb          | Henderson   | Saunders    | Zinkil |
| de la Parte   | Johnson     | Scarborough |        |
| Firestone     | Lane (31st) | Sims        |        |
| Gillespie     | Lane (23rd) | Stolzenburg |        |

Nays—3

|       |          |          |
|-------|----------|----------|
| Lewis | Peterson | Williams |
|-------|----------|----------|

CS for SB 1321 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:



## Yeas—25

|               |             |             |        |
|---------------|-------------|-------------|--------|
| Mr. President | Gillespie   | Myers       | Weber  |
| Barron        | Glisson     | Poston      | Wilson |
| Brantley      | Gordon      | Saunders    | Winn   |
| Childers      | Graham      | Scarborough | Zinkil |
| Deeb          | Gruber      | Sims        |        |
| de la Parte   | Henderson   | Stolzenburg |        |
| Firestone     | Lane (31st) | Vogt        |        |

## Nays—8

|          |             |          |          |
|----------|-------------|----------|----------|
| Johnson  | Lane (23rd) | McClain  | Plante   |
| Johnston | Lewis       | Peterson | Williams |

On motion by Senator Deeb, HB 1076 was withdrawn from the Committee on Transportation by two-thirds vote and placed on the calendar.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives requests the return of—

By Senator Childers—

SB 684—A bill to be entitled An act relating to abandoned and derelict vessels; giving the department of natural resources, division of marine resources, authority to remove or cause to be removed from the public waters of this state; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

On motion by Senator Childers, SB 684 was returned to the House as requested.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Glisson and others—

SB 553—A bill to be entitled An act relating to mobile home parks; amending §83.271, Florida Statutes, 1972 Supplement, as created by §1, chapter 72-28, Laws of Florida, by amending subsection (1); requiring notice of eviction; providing for award of attorney's fees; amending §83.281, Florida Statutes, 1972 Supplement, as created by §2, chapter 72-28, Laws of Florida, relating to purchase of equipment, installation of appliances; fees, charges, assessments; rules and regulations; amending §83.291, Florida Statutes, 1972 Supplement, as created by §3, chapter 72-28, Laws of Florida, relating to restrictions on disposal of mobile homes; creating §83.301, Florida Statutes, providing a civil remedy; creating §83.311, Florida Statutes, providing for injunction in addition to other penalties; providing an effective date.

**Amendment 1**—On page 1, line 26, strike everything after the enacting clause and insert the following:

Section 1. Subsection 1 of section 83.271, Florida Statutes, is amended to read:

83.271 Mobile home parks; eviction, grounds, proceedings.—

(1) A mobile home park owner or operator may not evict a mobile home or a mobile home dweller other than for the following reasons:

(a) Nonpayment of rent.

(b) ~~Violation~~ *Conviction of a violation* of some federal law, state law or local ordinance which may be deemed detrimental to the health, safety and welfare of other dwellers in the mobile home park.

(c) Violation of any reasonable rule or regulation established by the park owner or operator, provided the mobile home owner received written notice of the grounds upon which he is to be evicted ~~said violation~~ at least thirty days prior to the date he is required to vacate. A copy of all rules and regulations

shall be delivered by the park owner or operator to the mobile home owner prior to his signing the lease or entering into a rental agreement. A copy of the rules and regulations also shall be posted in the recreation hall, if any, or some other conspicuous place in the park. A mobile home park rule or regulation shall be presumed to be reasonable if it is similar to rules and regulations customarily established in other mobile home parks located in this state or if the rule or regulation is not immoderate or excessive.

(d) Change in use of land comprising the mobile home park or a portion thereof on which a mobile home to be evicted is located from mobile home lot rentals to some other use; provided that all tenants affected are given at least ninety (90) days notice, or longer if provided for in a valid lease, of the projected change of use and of their need to secure other accommodations.

Section 2. Section 83.291, Florida Statutes, 1972 Supplement, is amended to read:

83.291 Mobile home parks; restrictions on disposal of mobile homes, proceedings.—No mobile home park shall make or enforce any rule which shall deny any resident of such mobile home park the right to sell said resident's mobile home within the park or require the resident to remove the mobile home from the park solely on the basis of the sale thereof. The purchaser of said mobile home, if said purchaser would otherwise qualify with the requirements of entry into the park under the park rules and regulations, may become a tenant of the park, subject to the approval of the park, but such approval may not be unreasonably withheld. The park may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld, and The park shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or operator has acted as agent for the mobile home owner in the sale pursuant to a written contract. If for any reason the park refuses permission to any resident to sell to a qualified buyer and prospective tenant after three (3) bona fide offers, then the next offer may be accepted as a matter of course.

Section 3. Subsections (5), (6), and (7) of section 83.281, Florida Statutes, 1972 Supplement are created to read:

(5) No person shall be required by a mobile home park owner or operator to provide any permanent improvements that become a part of the real property of the mobile home park owner or operator as a condition of residence in the mobile home park.

(6) Whenever an entrance fee is charged by a mobile home park owner or operator for the entrance of a mobile home or a tenant into the park and such mobile home or tenant leaves before two (2) years have passed from the date on which the fee was charged, the fee shall be prorated and a portion returned as follows:

(a) Entrance fees shall be refunded at the rate of one twenty-fourth (1/24) of said fee for each month short of two (2) years that a tenant maintains his mobile home within the park.

(b) Entrance fees shall be refunded within fifteen (15) days after the mobile home has been physically moved from the park.

(c) No new entrance fees may be charged for a move within the same park.

(d) This subsection shall not apply in instances in which the tenant is evicted or leaves before the expiration date of his lease agreement; provided, however, that sums due to the park by the tenant may be offset against the balance due on the entrance fee.

(7) No mobile home park owner or operator who purchases electricity or gas (natural, manufactured, or similar gaseous substance) from any public utility for the purpose of supplying or reselling the electricity or gas to any other person to whom he leases, lets, rents, subleases, sublets, or subrents the premises upon which the electricity or gas is to be used shall charge, demand, or receive, directly or indirectly, any amount for the resale of such electricity or gas greater than that amount charged by the public utility from whom the electricity or gas was purchased.

Section 4. Section 83.301, Florida Statutes, is created to read:

*83.301 Civil remedy.—A mobile home owner or dweller may bring a civil action against a mobile home park owner or operator violating the provisions of §§83.271, §83.281, or §83.291, Florida Statutes, in the appropriate court of the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for damages. The court may in its discretion award such equitable relief as it deems necessary including enjoining the defendant from further violations. The losing party may be liable for court costs and reasonable attorney's fees incurred by the prevailing party.*

Section 5. Section 83.311, Florida Statutes, is created to read:

*83.311 Injunction.—In addition to other penalties provided in §83.301, Florida Statutes, the state attorneys and their assistants are authorized to apply to the circuit court within their respective jurisdictions, upon the sworn affidavit of any mobile home owner or dweller alleging a violation by a mobile home park owner or operator of any of the provisions of §§83.271, §83.281, or §83.291, Florida Statutes, and such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining such mobile home park owner or operator from any further such violation, whether or not there exists an adequate remedy at law, and such injunction at the court's discretion may issue without bond.*

Section 320.8325, Florida Statutes, is created to read:

**320.8325 Mobile home tie-down requirements; minimum installation standards; injunctions, penalty.—**

(1) The owner of a mobile home shall secure the mobile home to the ground by the use of anchors and tie-downs so as to resist wind overturning and sliding.

(a) A mobile home manufactured in accordance with the code standards and labeled "hurricane and windstorm resistive" shall be anchored to each anchor point provided on the mobile home.

(b) A mobile home not meeting these standards must be anchored with anchor points spaced as required by the department starting at each end of the mobile home.

(c) In addition, each mobile home shall be tied down by one (1) of the following means:

1. A mobile home having built in over-the-roof ties shall be secured by the tie-down points provided that such built in ties and points meet the standards promulgated by the department.

2. A mobile home not having built in over-the-roof ties and tie-down points meeting department standards shall be secured by means of external over-the-roof ties manufactured and installed in accordance with standards promulgated by the department.

(2) The department shall promulgate rules and regulations setting forth minimum standards for the manufacture or installation of anchors, tie-downs and over-the-roof ties as required under this section so that such devices, when properly installed, shall cause the mobile home to resist wind overturning and sliding.

(3)(a) Persons licensed in this state to engage in the business of insuring mobile homes that are subject to the provisions of this section against damage from windstorm shall issue such insurance only if the mobile home has been anchored and tied-down in accordance with the provisions of this section.

(b) In the event that a mobile home is insured against damage caused by windstorm and subsequently sustains windstorm damage of a nature that indicates that the mobile home was not anchored or tied-down in the manner required by the provisions of this section, the person issuing the policy shall not be relieved from meeting the obligations specified in the insurance policy with respect to such damage on the basis that the mobile home was not properly anchored or tied-down.

(4) Whenever a person who engages in the business of installing anchors, tie-downs or over-the-roof ties or who engages in the business of manufacturing such devices for use

in this state does so in a manner not in accordance with the minimum standards set forth by the department, a person aggrieved thereby may bring an action in the appropriate court for actual damages. In addition, the court may provide appropriate equitable relief including enjoining a violator from engaging in the business or from engaging in further violations. Whenever it is established to the satisfaction of the court that a willful violation has occurred, the court shall award punitive damages to the aggrieved party. The losing party may be liable for court costs and reasonable attorney's fees incurred by the prevailing party.

(5) In addition to other penalties provided in this section, the department or the state attorneys and their assistants are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person engaging in the business of manufacturing anchors, tie-downs or over-the-roof ties from manufacturing such devices in a manner not in accordance with the minimum standards set forth by the department or any person in the business of installing anchors, tie-downs or over-the-roof ties from utilizing devices that do not meet the minimum standards set forth by the department or from installing such devices in a manner not in accordance with the minimum standards set forth by the department, whether or not there exists an adequate remedy at law, and such injunction shall issue without bond.

(6) Mobile home owners shall have nine (9) months after the effective date of this act to comply with its provisions.

(7) This section shall only apply to mobile homes that are being used as dwelling places and that are located on a particular location for a period of time exceeding fourteen (14) days.

(8) For the purposes of this act, the definitions set forth in 320.822, Florida Statutes, apply.

Section 7. This act shall take effect on July 1, 1973.

**Amendment 2—**On page 1, strike the entire title and insert the following: A bill to be entitled An act relating to mobile home parks and the landlord-tenant relationship; amending 83.-271(1), Florida Statutes, 1972 Supplement, by creating a fourth ground for eviction, requiring notice of the ground for eviction; defining what is meant by a reasonable rule; amending 83.291, Florida Statutes, 1972 Supplement, prohibiting a mobile home park rule which would deny a mobile home owner the right to sell a mobile home located in the park; restricting the right of the park to reject purchasers; creating subsections (5) and (6) of 83.281, Florida Statutes, 1972 Supplement, prohibiting a mobile home park owner or operator from requiring that a person provide capital improvements to the park as a condition of residence; providing for the return of any entrance fee under certain conditions; providing a penalty; creating §§83.301 and 83.311, Florida Statutes; providing a civil remedy; providing for injunctive relief creating 320.8325, Florida Statutes; requiring the use of anchors and tie-downs including over-the-roof ties for mobile homes; authorizing the department of highway safety and motor vehicles to set forth minimum standards for such devices; prohibiting the issuance of windstorm insurance to cover mobile homes unless such mobile homes are anchored and tied-down; providing a civil penalty; providing for injunctions against persons in the business of installing or manufacturing anchors, tie-downs, and over-the-roof ties who do so in a manner contrary to the minimum standards; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

Senator Glisson moved that the Senate concur in House amendment 1 to SB 553.

Senator Deeb offered the following amendment to House amendment 1:

**Amendment 1a—**strike all of pages 5, 6 and 7 and on page 8, strike lines 1 through 9

Amendment 1a failed by the following vote:

Yeas—12

|               |             |          |        |
|---------------|-------------|----------|--------|
| Mr. President | Deeb        | Johnston | Sykes  |
| Barron        | de la Parte | Saylor   | Ware   |
| Childers      | Johnson     | Sims     | Wilson |

## Nays—24

|           |             |             |          |
|-----------|-------------|-------------|----------|
| Brantley  | Graham      | Peterson    | Trask    |
| Firestone | Gruber      | Pettigrew   | Vogt     |
| Gallen    | Lane (23rd) | Poston      | Weber    |
| Gillespie | Lewis       | Scarborough | Williams |
| Glisson   | McClain     | Smathers    | Winn     |
| Gordon    | Myers       | Stolzenburg | Zinkil   |

On motions by Senator Glisson, the Senate concurred in House amendments 1 and 2 to SB 553.

SB 553 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

## Yeas—30

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Peterson    | Trask    |
| Brantley      | Gruber      | Pettigrew   | Vogt     |
| de la Parte   | Henderson   | Poston      | Weber    |
| Firestone     | Johnson     | Scarborough | Williams |
| Gallen        | Lane (23rd) | Sims        | Winn     |
| Gillespie     | Lewis       | Smathers    | Zinkil   |
| Glisson       | McClain     | Stolzenburg |          |
| Gordon        | Myers       | Sykes       |          |

## Nays—7

|          |          |        |        |
|----------|----------|--------|--------|
| Barron   | Deeb     | Sayler | Wilson |
| Childers | Johnston | Ware   |        |

By permission Senators Firestone and Poston were recorded as co-introducers of SB 553.

*The Honorable Mallory E. Horne, President*

May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Zinkil and others—

SB 627—A bill to be entitled An act relating to quotas of pilots; amending §310.03, Florida Statutes, to increase the quota of pilots for the Ports of Boca Grande and Miami, and to provide for a quota of pilots at Port Everglades; providing for inclusion of Port of St. Petersburg in the quota of pilots for the Ports of Tampa, Port Tampa, and Manatee; providing an effective date.

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert the following:

Section 1. Section 310.01, Florida Statutes, is amended to read:

310.01 *Board of port wardens and pilot commissioners to be appointed and to act as port wardens.*—The governor, by and with the advice and consent of the senate, shall appoint a board of *port wardens and pilot commissioners* of the division of occupations of the department of professional and occupational regulation, *hereafter referred to in this chapter as the board*, for each county in this state in which a port is located, to consist of five members, who shall be residents of the county in which area the port is located and knowledgeable of the maritime affairs of the port and no more than two of whom shall not be pilots, owners or agents of pilot boats, consignees of vessels, or charterers, or officers of any corporation acting as consignee or charterer, or in any manner interested in the business of pilotage or the employment of pilots, *who shall have their office for Each member shall serve a term of four years, unless sooner removed by the governor. ‡ the said board is to consist of citizens of said county, and the said commissioners* The members of the board, *hereafter referred to in this chapter as commissioners*, shall be empowered to act as port wardens, and to perform all the duties of the same. *They shall take the usual oath of office.*

Section 2. Sections 310.07, 310.12, 310.13, and 310.19, Florida Statutes, are renumbered and amended to read:

§10.015 ~~310.10~~ Make Rules and regulations; protection of port.—

(1) The board of pilot commissioners may also make such rules and regulations for its ~~their~~ own government and the discharge of its ~~their~~ duties under this chapter as it may deem necessary and proper. *The board shall make and promulgate, in conformity with law, rules and regulations for the government and protection of the port, including the establishment of speed zones and anchorage areas; ‡ provided, however, that said board of pilot commissioners and port wardens shall adopt no rules and regulations which may conflict in any way with the rules and regulations of the division of health of the department of health and rehabilitative services now in force, or that may hereafter be adopted by said division.* The board shall keep an office in the port or city for which it is appointed and shall have the exclusive right to perform all the duties of pilot commissioners and port wardens for the ports or cities for which they are appointed.

(2) 310.07 *Records.*—The board of pilot commissioners shall keep a record of all its ~~their~~ proceedings, including appointments, licenses and revocation of licenses, which record shall be turned over to its ~~their~~ successors in office.

(3) 310.12 *Pilot commissioners may make regulations for port.*—Every steamer or vessel of any description, of the tonnage of twenty tons and upwards, while lying at anchor in any of the bays, ports, harbors or rivers of this state, where there is a board of pilot commissioners, and port wardens shall during the night show such light as may be required by the port regulations established for the port; and it shall be lawful for the board of pilot commissioners to make and promulgate, in conformity with law, rules and regulations for the government and protection of the port; *including the establishment of speed zones and anchorage areas.*

(4) 310.13 *Duties as to protection of ports.*—The board of pilot commissioners of each port shall adopt such regulations and take such steps as may be necessary to detect any violation in its ~~their~~ ports or waters within its ~~their~~ jurisdiction of the laws for the protection of ports, harbors, bays and rivers; and it ~~they~~ shall cause complaint to be made for the arrest of every offender against such laws; and the county commissioners of the county in which the board is ~~such~~ pilot commissioners are appointed shall audit and pay the expenses of the board of pilot commissioners, which shall be incurred under this section, as other charges against the county are audited and paid.

Section 3. Section 310.03, Florida Statutes, is amended to read:

310.03 *Board Pilot Commissioners* to examine and license pilots.—

(1) The board of Pilot Commissioners shall examine persons who may wish to be licensed as pilots, in all matters pertaining to the management of vessels; also in regard to their knowledge of the channel and the harbor where they wish to act as pilots; and if upon examination they find them qualified to take command of all classes of vessels liable to enter that port and are thoroughly familiar with the channel and currents of the harbor, they shall appoint and license such number of those found qualified as are requisite to perform the duties required of the pilots for that port, so there shall not be more than four pilots for the Port of Pensacola plus apprentices to come in over quota as herein provided; three for the Ports of Apalachicola and Carrabelle, at both east and west passes inclusive, two for the Port of Fernandina and Nassau Inlet; eleven for the Port of Jacksonville, fifteen for the Ports of Tampa, Port Tampa, and Manatee, and St. Petersburg, inclusive; ~~two for the Port of St. Petersburg;~~ three for the Port of Punta Gorda; three for the Port of Charlotte Harbor; ~~three two~~ for the Port of Boca Grande; three for the Port of Panama City; two for the Port of Cedar Keys; two for the Port of Key West; three for the Port of St. Augustine; two for the Port of Palm Beach; ~~ten eight~~ for the Port of Miami; ~~eight for the Port of Port Everglades;~~ three for the Port of Port St. Joe except when a vacancy shall occur in the number of pilots now licensed, there shall be two; and two for any port not especially mentioned in this chapter; and thereafter when vacancies occur in the number of pilots in any of the ports of this state, the commissioners of that port may, in their discretion, grant licenses as pilots heretofore, provided, until the number of pilots reaches the number allowed by this chapter for that port; provided, however, that pilots who are now duly licensed shall hold their license according to the law. Said pilots shall be entitled to hold their licenses and appointments during good behavior. *Any licensed pilot who retires from active piloting, or who becomes permanently dis-*

abled, said disability preventing his service as an active pilot, shall officially notify the board in writing and the board shall declare his license null and void. ~~and provided, further, that the limits of the number of pilots shall not be construed to apply to apprentices who are now serving the time provided by law; and provided, that in the event a vacancy occurs while an apprentice is serving his apprenticeship, he shall have prior consideration over other applicants for the position; but such apprentice shall be entitled to act as pilot on complying with the law, notwithstanding the fact that the total number of pilots may exceed the limit herein provided and the said board shall require from each pilot satisfactory bond for the faithful performance of his duty; provided, however, that the provisions of this law shall in no way affect or apply to pilots who are now duly licensed and qualified pilots, or alter, amend, repeal or change any local or special law pertaining to appointment, qualification or number of pilots for any ports in the state.~~

(2) The board shall adopt rules requiring that each licensed pilot submit to a physical examination once every five (5) years. Such examination shall include a complete test of the subject's vision.

Section 4. Section 310.26, Florida Statutes, is renumbered and amended to read:

~~310.031 310.26~~ Board to receive percentage on pilotage.—The board of pilot commissioners of the division of occupations of the department of professional and occupational regulation shall receive, annually, from each pilot one percent on the gross amount of pilotage earned by said pilot during each year, to be paid by each pilot at such times and in such manner as the said board of pilot commissioners shall prescribe; and this one percent of pilotage shall be in lieu of all other fees and compensation now paid to said board of pilot commissioners by any pilot into any port into which come annually one hundred vessels of five hundred tons burden and upwards.

Section 5. Sections 310.04, 310.041 and 310.05, Florida Statutes, are amended to read:

310.04 Apprenticeship.—There may be indentured in each port of this state such number of apprentices as the board of each port may deem sufficient. ~~one apprentice for every five, and three over five, or multiple of five licensed pilots of such port; but every port may have one apprentice.~~ Any person desiring to become a pilot's apprentice shall file with the board of pilot commissioners a written application approved by a majority of the licensed pilots of the port, one of whom shall signify his willingness to have such apprentice indentured to him; and if there be a vacancy in the number of apprentices allowed for such port, the board of pilot commissioners may ~~shall~~ approve such application; ~~and~~ The applicant shall then, with the approval of his parent or guardian, be indentured as an apprentice to the licensed pilot who has signified his willingness to take such apprentice for the term of four years. ~~and~~ The indenture shall be recorded in the records of the board of pilot commissioners, and the said board shall thereupon assign the said apprentice to a regular pilot boat on the bar of such port. In filling vacancies in the number of licensed pilots for any port, the board shall have the authority to appoint the individual it considers most qualified, giving due consideration to those who are serving or who have completed their apprenticeship under this law, but the final selection shall be made on the basis of the best qualified applicant. Each board shall make and promulgate, in conformity with law, rules and regulations for the initiation and implementation of an apprentice program for such port. ~~of pilot commissioners shall prefer, in the order of a service, those who have served apprenticeship under this law, provided, that no other requirements than those provided for by law shall be demanded of those who are serving as pilot apprentices; provided, however, that for the ports of Tampa, Port Tampa and Manatee, there may be indentured not to exceed four apprentices, and for the port of Pensacola there may be indentured not to exceed two apprentices, at any one time.~~

310.041 Apprentices; ports of Boca Grande; Jacksonville; Key West; Palm Beach; Panama City; Pensacola; Port St. Joe; Tampa and Port Tampa and Manatee; and Port Everglades; powers.—In the ports of Boca Grande, Jacksonville, Key West, Palm Beach, Panama City, Pensacola, Port St. Joe, Tampa and Port Tampa and Manatee, and Port Everglades, any pilot apprentice indentured in either of said named ports certified by a majority of the pilots in active service in said port, may be authorized by the board of port wardens and pilot commissioners

of said port to pilot any vessel within the limits and specifications fixed by said board of port wardens and pilot commissioners of the port in which said apprentice is indentured, upon the written petition of a majority of the pilots in active service at such time at such said port.

310.05 Suspension of pilots; revocation of license; forfeiture; leave of absence.—The board said commissioners may suspend any pilot for misbehavior, negligence, incompetency, drunkenness, and for any conduct detrimental to commerce, or injurious to navigation, at the discretion of the board; and said board may revoke the license of any pilot if, in the opinion of the board, the conduct of the offender is so gross as to warrant such revocation. ~~A pilot shall forfeit his license and authority as such by more than seventy-two hours' absence from the bar, except in case of sickness, or absence in the discharge of his duty; provided, the board of pilot commissioners may grant a leave of absence to any pilot for a longer period of time if there remains on duty a sufficient number of pilots to serve the commerce of the port.~~

Section 6. Section 310.08, Florida Statutes, is amended to read:

(Substantial rewording of section. See §310.08, F.S., for present text.)

310.08 Fees.—The board shall set reasonable nonrefundable fees not to exceed one hundred dollars (\$100) to be imposed upon and collected from each applicant for a license in such amounts as are sufficient to cover the expense of conducting an investigation and examination of the applicant.

Section 7. Section 310.09, Florida Statutes, is amended to read:

310.09 Per diem to pilots in quarantine.—In all cases where a pilot shall be detained in quarantine by reason of having boarded any vessel in the discharge of his duty as such pilot, the said vessel or owners shall be required to pay to such pilot twenty-five ~~four~~ dollars (\$25) per day during the time of his necessary detention in quarantine.

Section 8. Section 310.15, Florida Statutes, is amended to read:

310.15 Registration.—The board of port wardens and pilot commissioners for each ~~these~~ ports within this state ~~that are within the provisions of §310.14~~ shall register such a number of vessels, of a type adequate to perform the assigned task, ~~not less than twenty tons burden~~ as are, in their opinion, requisite and necessary to the proper piloting of vessels coming into such ports, and the board pilot commissioners shall provide a book for the purpose of such registration and cause the same to be kept in the office open to the inspection of the public. Each registration shall set forth the name and tonnage of the pilot boat so registered, and for each registration the board pilot commissioner making the same shall be entitled to demand and receive a fee of ten dollars.

Section 9. Sections 310.20 and 310.21, Florida Statutes, are amended to read:

310.20 Violating rules of board; penalty.—Whoever violates any lawful rule or regulation of a board of pilot commissioners and port wardens shall be guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or 775.083. ~~punished by imprisonment not exceeding sixty days, or by fine not exceeding one hundred dollars.~~

310.21 To examine vessel.—The board of pilot commissioners, ~~or, some member of it, or a marine surveyor appointed by and acting under the authority of the board, one of them,~~ on being notified and requested by any of the parties in interest may ~~shall~~ proceed in person on board of any vessel for the purpose of examining the condition and storage of cargo, and if there be any goods damaged on board said vessel they shall inquire, examine and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full upon the books of the office; and if, after the arrival in port of any vessel, the hatches shall be first opened by any person not a pilot commissioner and port warden or authorized marine surveyor, and the cargo, or any part thereof, shall come from on shipboard in a damaged condition, these facts shall be presumptive evidence that such damage occurred in consequence of improper storage or negligence on the part of the persons in charge of the vessel, and such default shall be chargeable to the owner, consignee, master, or other person in interest (as part owner or master of said vessel), each and

all of whom shall be primarily liable for such damages. ~~and~~ The ~~said~~ board, or a marine surveyor appointed by and acting under the authority of the board, shall be the exclusive surveyors of any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed to sea. ~~and~~ The board or such marine surveyor shall examine the condition of the hull, spars, sails, rigging, and all the appurtenances thereof, and it ~~they~~ shall call to its ~~their~~ assistance one or more carpenters, sail makers, riggers, shipwrights, or other person skilled in his profession to aid it ~~them~~ in its ~~their~~ examination and survey; provided, such person shall not be interested therein. ~~and~~ All such parties so called, as well as any such authorized marine surveyor shall be sworn, and shall each be allowed a fee to be agreed to by the board and which shall of five dollars, to be paid by the person requiring said examination.

Section 10. Sections 310.23 and 310.24, Florida Statutes, are amended to read:

310.23 Board to examine cargo, record, etc.—The board of pilot commissioners, or some member of it, ~~one of them~~, on being notified and requested so to do by any of the parties in interest, shall proceed in person, or in the person of a marine surveyor appointed by and acting under the authority of the board, to any warehouse, store or dwelling, or in the public street, or on the wharf, and examine any merchandise, vessels, materials, or other property said to have been damaged on board of any vessel, and inquire and examine and ascertain the cause or causes of such damage, and make a memorandum thereof, and of such property, and record in the books of the office a full and complete statement thereof. ~~and~~ The ~~said~~ board, when so requested, shall furnish a certificate of any record in the books of said office to any party interested therein, upon their paying to said board the regular fee for said certificate. All certificates issued shall be under the seal of said office, and signed by the president or vice-president and secretary, and said certificate shall be evidence of the existence and contents of the record in any court in this state. In all cases of inquiries, examinations and surveys, relating to vessels and cargoes on board thereof, as specified in this chapter, the said board shall give notice to all persons interested in, or have charge of the subject matter of such inquiry, examination or survey, by advertisement in at least one daily newspaper printed and published in the said port for which they are appointed, of the pendency of such inquiry, examination or survey, and of the time and place of completing the same; the expense whereof shall be added to and paid with the fee for making each inquiry, examination or survey. In the event that the board appoints a marine surveyor to perform the duties set forth in this section, his fee, as agreed to be the board, shall be paid by the person requesting the examination.

310.24 Auction sales.—Board to attend sales; auctioneers.—The board of pilot commissioners, or some one of the members thereof, shall attend personally all sales of vessels, when condemned vessels, materials and goods, in a damaged state, shall be sold at public auction in the ports for which they were appointed; by reason of such damage, for the benefit of owners or underwriters, or for account of whom it may concern; and Auctioneers making such sales at public auction, in the ports for which they were appointed, of vessels, materials and goods, in a damaged state, for the benefit of owners or underwriters, or for account of whom it may concern, shall give due notice thereof to said board before the sale, and all such sales shall be made by auctioneers under the direction and by order of the board. ~~commissioners, for which service they~~ In any and all cases where the board has been requested to make an examination under section 310.23, the board shall be entitled to receive a commission of one half of one percent on the gross amount of sales thereof, to be paid to said board of pilot commissioners on demand of the auctioneer making such sale; and such property shall be exempt from the payment of auction duties to the state. The proceeds of all such auctions shall be delivered to the board for distribution to the appropriate parties in interest.

Section 11. Section 307.01, Florida Statutes, is renumbered and amended to read:

310.23 307.01 Appointment, licensing and bond of stevedore.—The ~~any~~ board of commissioners of pilotage of the division of occupations of the department of professional and occupational regulation may grant such number of licenses to competent and trustworthy persons to act as stevedores in the port and harbor for which said board is appointed; ~~but such board shall only grant such number of licenses as it may deem necessary, having due regard to the business of the port and~~

harbor. ~~and~~ No person shall be licensed except such as on examination prove competent to serve as stevedores. The board shall set reasonable fees to be imposed upon and collected from each applicant for a license in such amounts as are sufficient to cover the expense of conducting an investigation and examination of the applicant. Said board shall require from each person licensed satisfactory bond, in penalty not to exceed ten thousand three hundred dollars, for the proper performance of his duties as stevedore. ~~but the said board of commissioners shall not appoint any person to act as stevedore who has not been a resident of the state six months previous to the date of his commission.~~

Section 12. Sections 307.02, 307.03, 307.04, 307.05, 307.06 and 307.07, Florida Statutes, are renumbered as sections 310.29, 310.30, 310.31, 310.32, 310.33 and 310.34, Florida Statutes, respectively.

Section 13. Sections 310.10 and 310.14, Florida Statutes, 1971, and section 310.17, Florida Statutes, 1969, as amended by chapter 71-136, Laws of Florida, are hereby repealed.

Section 14. The division of statutory revision and indexing of the legislative joint management committee is authorized and directed, in editing text for the official Florida Statutes, to change the title of chapter 310, Florida Statutes, to Pilots and Stevedores, and to change the terms "pilot commissioners" and "board of pilot commissioners" to "board" wherever the same may appear in sections 310.02, 310.041, 310.06, 310.11, 310.16, and 310.25, Florida Statutes.

Section 15. This act shall take effect upon becoming a law.

Amendment 2—On page 1, in title, lines 4-11, strike all of lines 4 through 11 and insert the following:

An act relating to the regulation of ports; amending §§310.01, 310.03, 310.04, 310.041, 310.05, 310.07, 310.08, 310.09, 310.12, 310.13, 310.15, 310.19, 310.20, 310.21, 310.23, 310.24, and 310.26, Florida Statutes, relating to the boards of pilot commissioners of the division of occupations of the department of professional and occupational regulation, and the regulation of pilotage; renaming the boards; providing for appointment of pilots and apprentice pilots in specified ports; altering provisions relating to the filling of apprentice vacancies; requiring a fee for each applicant for a license; increasing per diem for quarantined pilot; removing restriction on the boards' rule-making power relating to rules of the division of health; providing for periodic physical examination of pilots; increasing penalty for violation of rules of board; authorizing the appointment of marine surveyors to examine damaged vessels and goods; removing requirement that board members attend auctions of damaged vessels and goods; providing that board shall distribute auction proceeds; amending and renumbering §307.01, Florida Statutes, relating to stevedores; requiring a fee for each applicant for a stevedores license; increasing amount of licensed stevedores required bond; renumbering §§307.02 through 307.07, Florida Statutes; repealing §310.10, Florida Statutes, relating to pilots being entitled to take out vessels brought in; repealing §310.14, Florida Statutes, relating to minimum tonnage; repealing §310.17, Florida Statutes, as amended, relating to piloting certain boats of less than twenty (20) tons burden; directing the division of statutory revision and indexing to change terminology to conform with this act; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Zinkil, the Senate concurred in House amendments 1 and 2 to SB 627.

SB 627 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—32

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Peterson    | Sykes    |
| Barron        | Gruber      | Pettigrew   | Vogt     |
| Brantley      | Henderson   | Poston      | Ware     |
| Childers      | Johnson     | Saunders    | Weber    |
| de la Parte   | Johnston    | Saylor      | Williams |
| Firestone     | Lane (23rd) | Scarborough | Wilson   |
| Gallen        | Lewis       | Sims        | Winn     |
| Gordon        | McClain     | Smathers    | Zinkil   |

Nays—None



*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator de la Parte—

**SB 390**—A bill to be entitled An Act relating to community colleges; amending Section 230.767(3), Florida Statutes; providing alternate procedures for determining the annual apportionment to community colleges with declining enrollments; providing an effective date.

**Amendment 1**—On page 1, line 25, strike all of line 25 and insert the following:

Section 2. Chapter 230, Florida Statutes, is amended by creating a new section 230.777 to read:

*230.777 Community College Fixed Capital Outlay Trust Fund Created.*—

(1) *There is hereby created a community college fixed capital outlay trust fund to be administered by the department of education in accordance with policies and regulations to be established by the state board of education.*

(2) *Each public community college shall collect from each student, a fee of \$.60 for each semester hour or semester hour equivalent or \$.40 for each quarter hour or quarter hour equivalent of registration, to be used for fixed capital outlay purposes. Such fees shall be paid into the community college fixed capital outlay trust fund and administered in accordance with policies and regulations established by the state board of education.*

(3) *The amount of \$2,100,000 is appropriated from the community college fixed capital outlay trust fund for fixed capital outlay projects at public community colleges. These funds shall be allocated by the state board of education to the boards of trustees for the named community colleges listed below. Upon request of a board of trustees and after approval of such request by the department of administration, the comptroller shall disburse the approved amount to be deposited to the credit of each community college construction fund: Brevard Community College, Broward Community College, Central Florida Community College, Chipola Junior College, Daytona Beach Community College, Edison Community College, Florida Junior College at Jacksonville, Florida Keys Community College, Gulf Coast Community College, Hillsborough Community College, Indian River Community College, Lake City Community College, Lake-Sumter Community College, Manatee Junior College, Miami-Dade Junior College, North Florida Junior College, Okaloosa-Walton Junior College, Palm Beach Junior College, Pasco-Hernando Community College, Pensacola Junior College, Polk Community College, St. Johns River Junior College, St. Petersburg Junior College, Santa Fe Community College, Seminole Junior College, South Florida Junior College, Tallahassee Community College, Valencia Community College.*

Section 3. To be eligible for an allocation from the community college fixed capital outlay trust fund a community college district board of trustees shall have requested use of its current maximum eligibility of bonded indebtedness as authorized under the provisions of Article XII, section 9, of the Florida Constitution of 1968 as amended except where the current available funding capacity does not warrant issuance of bonds.

Section 4. This act shall take effect beginning July 1, 1973.

**Amendment 2**—On page 1 in title lines 8-9, strike providing an effective date, and insert the following: amending Chapter 230, Florida Statutes, by adding section 230.777; creating a community college fixed capital outlay trust fund, appropriating funds for fixed capital outlay expenditures in community colleges; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

On motions by Senator de la Parte, the Senate refused to concur in House amendments 1 and 2 to SB 390, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Transportation—

**SB 1144**—A bill to be entitled An act relating to drivers' licenses; repealing §322.141, Florida Statutes, relating to color licenses issued to minors; providing an effective date.

**Amendment 2**—On page 1, lines 11—13, strike everything after the enacting clause and insert the following:

Section 1. Section 322.141, Florida Statutes, 1971, is amended to read:

322.141 Color of licenses issued to minors.—All licenses issued by the department to persons under the age of ~~twenty one~~ *eighteen* years for the operation of motor vehicles shall be ~~red in color which have such markings or color which shall be~~ *an obviously separate and distinct color from all other licenses issued by the department for the operation of motor vehicles.*

Section 2. This act shall take effect July 1, 1973.

**Amendment 3**—On page 1 in title, lines 4—6, strike all of lines 4 through 6 and insert the following:

An act relating to drivers' licenses; amending section 322.141, Florida Statutes, 1971, to provide that licenses issued to minors be of a different color than certain other licenses; providing

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

On motion by Senator Poston the following amendment to House amendment 2 was adopted:

**Amendment 2a**—On line 6 of House amendment strike after the word "color" "which shall be ~~a~~ *an obviously separate and distinct color*" and insert: *, including photographic backdrop, which shall be an obviously separate and distinct color backdrop*

On motion by Senator Poston the following title amendment to House amendment 3 was adopted:

**Amendment 3a**—On line 3 in House amendment 3, strike all after the word "minors" and insert: *shall have a different separate and distinct color photographic backdrop than other licenses; providing*

On motions by Senator Poston, the Senate concurred in House amendments 2 and 3 as amended to SB 1144.

The action of the Senate was certified to the House.

*The Honorable Mallory E. Horne, President* May 28, 1973

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety on—

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1392**—A bill to be entitled An act relating to prohibitions on disposition of interests in subdivisions; amending §478.23(1), Florida Statutes, by providing punctuation and language to remove ambiguity; providing an effective date.

—and has passed as amended by the Conference Committee report.

(Conference Committee amendment attached to original bill)

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

By direction of the President the following Conference Committee Report was read:

## CONFERENCE COMMITTEE REPORT ON HB 1392

The Honorable Mallory E. Horne  
President of the Senate

May 25, 1973

The Honorable T. Terrell Sessums  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on House Bill 1392, same being:

An act relating to prohibitions on dispositions of interests in subdivisions; amending §478.23(1), Florida Statutes, by providing punctuation and language to remove ambiguity; providing an effective date.

Having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate and House of Representatives adopt the Conference Committee amendment attached hereto and by reference made a part of this report.

Alan Trask  
Warren S. Henderson  
Louis de la Parte  
D. Robert Graham  
Managers on the part  
of the Senate

Bill Andrews  
J. K. Tillman  
Marshall S. Harris  
Murray H. Dubbin  
Managers on the part of the  
House of Representatives

**Conference Committee Amendment**—On page 1, strike everything after the enacting clause and insert the following:

Section 1. Subsection (1) of section 478.23, Florida Statutes, is amended to read:

478.23 Prohibitions on dispositions of interests in subdivisions.—Unless the subdivided lands or the transaction is exempt by §478.221:

(1) No person may offer or dispose or participate in an offer or disposition of any interest in subdivided lands located in this state, nor may any person offer or dispose or participate in an offer or disposition of subdivided lands in this state or any interest in subdivided lands located without this state to persons in this state, prior to the time the subdivided lands are registered in accordance with this chapter;

Section 2. This act shall take effect October 1, 1973.

On motion by Senator Graham the report of the Conference Committee was adopted and HB 1392 passed as recommended. The vote was:

Yeas—30

|               |             |             |             |
|---------------|-------------|-------------|-------------|
| Mr. President | Gordon      | Pettigrew   | Stolzenburg |
| Brantley      | Graham      | Plante      | Sykes       |
| Childers      | Henderson   | Poston      | Vogt        |
| Deeb          | Johnson     | Saunders    | Ware        |
| de la Parte   | Johnston    | Sayler      | Wilson      |
| Firestone     | Lane (23rd) | Scarborough | Zinkil      |
| Gallen        | Lewis       | Sims        |             |
| Glisson       | McClain     | Smathers    |             |

Nays—None

By unanimous consent Senators Gruber, Peterson, Winn and Williams were recorded as voting yea.

The Honorable Mallory E. Horne, President May 29, 1973

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety on—

By the Committee on Business Regulation and Representative Tillman and others—

**CS for HB 428**—A bill to be entitled An act relating to Florida land sales; amending section 478.23 Florida Statutes, by adding paragraph (3) prohibiting disposition of interest in

subdivisions by utilization of long distance telephone sales except under certain circumstances; providing for restitution and recovery of attorney's fees for violation of section; providing an effective date.

—and has passed as amended by the Conference Committee Report.

(Conference Committee amendments attached to original bill)

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

By direction of the President the following Conference Committee Report was read:

## CONFERENCE COMMITTEE REPORT ON CS FOR HB 428

The Honorable Mallory E. Horne  
President of the Senate

May 25, 1973

The Honorable T. Terrell Sessums  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on CS/HB 428, same being:

An act relating to Florida land sales; amending section 478.23 Florida Statutes, by adding paragraph (3) prohibiting disposition of interest in subdivisions by utilization of long distance telephone sales except under certain circumstances; providing for restitution and recovery of attorney's fees for violation of section; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate recede from amendments number 1, 4, 5, and 6.
2. That the Senate and House of Representatives adopt the conference committee amendments attached hereto and by reference made a part of this report.

Alan Trask  
Warren S. Henderson  
Louis de la Parte  
D. Robert Graham  
Managers on the part of  
the Senate

Bill Andrews  
J. K. Tillman  
Marshall S. Harris  
Murray H. Dubbin  
Managers on the part of the  
House of Representatives

**Conference Committee Amendment**—On page 1, strike everything after the enacting clause and insert the following:

Section 1. Section 478.23, Florida Statutes, is amended by adding new subsection (3) to read:

Section 478.23 Prohibitions on dispositions of interests in subdivisions.—Unless the subdivided lands or the transaction is exempt by section 478.221:

(3) No person may dispose or participate in the disposition of any interest in subdivided lands by solicitation of sales of subdivisions or subdivided lands required to be registered pursuant to this chapter by long distance telephone, unless one of the following enumerated actions takes place subsequent to the solicitation of the sale by long distance telephone.

(a) The prospective purchaser has personally inspected the property prior to the execution of the agreement to purchase and has so certified in writing; or

(b) The subdivider has furnished the prospective purchaser with a copy of a synopsis or summary of the sales script which synopsis or summary has been approved by the division and a current public offering statement either by certified mail or personally delivered prior to the execution of the agreement to purchase, and the purchaser has so certified in writing to the receipt thereof. The documents mailed or delivered in accordance herewith shall be governed by §478.24(4), Florida Statutes. The prospective purchaser shall be given an unconditional ninety (90) day refund privilege extending from the time of the execution by the prospective purchaser of the agreement to pur-



chase and the subdivider shall include this unconditional right in the agreement to purchase and the public offering statement.

(c) Any contract for sale or sale of subdivided lands in violation of this section shall be voidable by the purchaser and the purchaser may, in addition to any other remedy provided by law, recover from the subdivider the total amount paid on the contract or sale by the purchaser and a reasonable attorney's fee if suit is brought and the purchaser prevails. No action shall be maintained to enforce any liability created under this section unless brought within three (3) years after the discovery of the violation of this section or after such discovery should have been made by the exercise of reasonable diligence. In no event shall any action be brought more than five (5) years after the date the purchaser made his first payment of money to the subdivider.

Section 2. Section 478.24, Florida Statutes, is amended by adding new subsection (4) to read:

478.24 Public offering statement.—

(4) The division may limit the amount and format of the promotional materials that are submitted to a prospective purchaser with the public offering statement.

Section 3. This act shall take effect on August 1, 1973.

Conference Committee Amendment 2—A bill to be entitled An act relating to Florida land sales; amending section 478.23, Florida Statutes, by adding subsection (3) to prohibit disposition of interest in subdivisions by utilization of long distance telephone sales except under certain circumstances; providing for a ninety (90) day refund privilege under certain circumstances; providing for restitution and recovery of attorney's fees for violation of section; providing for limitations on actions; amending section 478.24, Florida Statutes, by adding subsection (4) to authorize the division of land sales to limit certain promotional materials; providing an effective date.

On motion by Senator Graham the report of the Conference Committee was adopted and CS for HB 428 passed as recommended. The vote was:

Yeas—32

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon      | McClain     | Smathers |
| Brantley      | Graham      | Peterson    | Sykes    |
| Childers      | Gruber      | Pettigrew   | Vogt     |
| de la Parte   | Henderson   | Poston      | Ware     |
| Firestone     | Johnson     | Saunders    | Williams |
| Gallen        | Johnston    | Sayler      | Wilson   |
| Gillespie     | Lane (23rd) | Scarborough | Winn     |
| Glisson       | Lewis       | Sims        | Zinkil   |

Nays—None

The Honorable Mallory E. Horne, President May 29, 1973

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representative Dixon and others—

HB 965—A bill to be entitled An act relating to oyster conservation on public lands being State of Florida oyster beds not under private lease in Duval County, Florida; providing controlled quantities of oysters that may be taken from public beds for private consumption and providing protection for private lease holders against public oyster beds being used for commercial purposes; providing an exception for private consumption; providing that violation is a misdemeanor; providing an effective date.

Which amendment reads as follows:

On page 2, line 4 strike Section 2 in its entirety and renumber subsequent sections.

—and requests the Senate to recede therefrom—

Allen Morris, Clerk

Senator Brantley moved that the Senate recede from the Senate amendment to HB 965 and the motion failed. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 29, 1973

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to—

By the Committee on Finance & Taxation—

HB 1331—A bill to be entitled An act relating to ad valorem taxation; creating chapter 195, Florida Statutes, as the property assessment administration and finance law; amending and transferring 195.111, Florida Statutes, to recognize the state responsibility for just and uniform assessment; amending and transferring section 195.042, Florida Statutes, to require regulations relating to computer standards, audits, parcel numbering systems, and delivery of information to the assessor relating to transfers of interests in real property; amending section 195.062, Florida Statutes, to require a current manual with standard procedures; creating section 195.072 to require classification of property on the tax roll by use; amending section 195.022, Florida Statutes, relating to standard forms; creating section 195.084 to provide for an information exchange; creating section 195.085 creating a trust fund for assessor's budget review in the department of revenue; creating section 195.094, 195.095, 195.096, 195.097, 195.098, 195.099 and 195.100 to provide for an assessor loan fund, approved bidder lists standardized contracts, post certification audit of tax rolls, notices of intent to disapprove, appeals from department orders, creating an assessment administration review commission, and a review of fee schedules by the department; amending subsection (1) and (4) of section 192.091, Florida Statutes, providing a fee schedule; amending subsection (6) of section 193.114, Florida Statutes, relating to approval of tax rolls; amending section 193.122, Florida Statutes, providing for submission of fundings by the board of tax adjustment; creating a new section in chapter 200 to provide a procedure for millage levies; amending section 145.10 to provide for tax assessor compensation; amending section 145.12(4), Florida Statutes, to provide for disposition of excess fees; repealing subsection (1) of section 192.102 relating to assessors commission, subsection (3) of section 192.012, relating to the use of ratio studies; repealing all resolutions under section 145.022 relating to tax assessors; repealing all local acts and general acts of local application relating to assessor compensation; making appropriation; repealing section 193.035(3), Florida Statutes, 1971, relating to county expenditures for tax assessors; providing effective dates.

(Amendments attached to original bill.)

—and requests the Senate to recede therefrom—

—and in the event the Senate refuses to recede, requests the appointment of a Conference Committee.

Allen Morris, Clerk

On motion by Senator Graham, the Senate refused to recede from Senate amendments to HB 1331.

The President appointed Senators Graham, Pettigrew and Ware as conferees on the part of the Senate and the action of the Senate was certified to the House.

On motion by Senator Firestone, the rules were waived and the Senate reverted to the order of Motions Relating to Committee References.

On motion by Senator Firestone, HB 488 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Saunders, CS for HB's 1617 and 1711 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Saunders the rules were waived and the Senate reverted to Introduction and Senate Bills 1367, 1368 and 1370 were introduced by two-thirds vote:

## INTRODUCTION

By the Committee on Ways and Means—

SB 1367—A bill to be entitled An act relating to state attorneys; amending §27.25(4), Florida Statutes, 1972 Supple-

ment; providing a funding formula; amending §27.34 Florida Statutes, 1972 Supplement; providing that the counties shall provide state attorneys with office space, utilities, janitorial, and other services; prohibiting municipalities and counties from otherwise appropriating funds for the operation of state attorney offices; providing for salaries; providing an effective date.

—was read the first time by title and placed on the Calendar.

By the Committee on Ways and Means—

**SB 1368**—A bill to be entitled An act relating to public defenders; amending §27.51(1), Florida Statutes, as amended by §1, chapter 72-722, Laws of Florida; amending §27.53(4), Florida Statutes, 1972 Supplement; amending §27.54(2), Florida Statutes, as amended by §2, chapter 72-722, Laws of Florida, and subsection (3) of said section; providing a funding formula; providing that the counties shall provide public defenders with office space, utilities, janitorial, and other services; prohibiting municipalities and counties from otherwise appropriating funds for the operations of the public defenders' offices; providing an effective date.

—was read the first time by title and placed on the calendar.

By Senator Glisson—

**SB 1369**—A bill to be entitled An act relating to Lake County creating a separate Silver Lake Zoning District and defining same; creating the Silver Lake Zoning Board composed of 5 residents appointed by the Lake County Board of County Commissioners; prescribing powers and procedures; prescribing appeal procedure; providing authority to employ staff; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1369.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Ways and Means—

**SB 1370**—A bill to be entitled An act relating to alcoholism prevention, control and treatment; providing for a delay of the effective date of section 396.161, Florida Statutes, to July 1, 1974; providing an effective date.

—was read the first time by title and placed on the calendar.

On motion by Senator Williams, SB 570 was withdrawn from the Committee on Ways and Means by two-thirds vote and referred to the Committee on Governmental Operations.

On motion by Senator Williams, Rule 2.5 was waived and the Committee on Governmental Operations was granted permission to consider SB 570 at the meeting this day.

#### SPECIAL ORDER

**HB 178**—A bill to be entitled An act relating to occupational license taxes imposed by counties and municipalities under the authority of chapter 205, Florida Statutes; repealing section 4 of chapter 72-306, Laws of Florida; to abolish the expiration date; providing an effective date.

—was read the second time by title by two-thirds vote, on motion by Senator Ware.

On motion by Senator Ware the following amendment was adopted:

**Amendment 1**—On page 1, strike all of line 16 and insert: a law.

On motion by Senator Ware, by two-thirds vote HB 178 as amended was read the third time by title and passed. The vote was:

Yeas—33

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Plante      | Vogt     |
| Brantley      | Gruber      | Poston      | Ware     |
| Childers      | Johnson     | Saunders    | Williams |
| Deeb          | Johnston    | Sayler      | Wilson   |
| de la Parte   | Lane (23rd) | Scarborough | Winn     |
| Firestone     | Lewis       | Sims        | Zinkil   |
| Gallen        | McClain     | Smathers    |          |
| Gillespie     | Myers       | Stolzenburg |          |
| Gordon        | Peterson    | Sykes       |          |

Nays—None

By unanimous consent Senators Glisson and Pettigrew were recorded as voting yea.

The bill with amendment was delivered to the engrossing clerk.

**HB 2107**—A bill to be entitled An act relating to the naming of state buildings, authorizing and directing the Board of Regents to name the university of Florida graduate school and international studies building "Linton E. Grinter Hall"; and providing an effective date.

On motions by Senator Saunders, by two-thirds vote HB 2107 was read the second time by title and by two-thirds vote the third time by title, passed and certified to the House. The vote was:

Yeas—32

|               |             |             |             |
|---------------|-------------|-------------|-------------|
| Mr. President | Graham      | Myers       | Stolzenburg |
| Childers      | Gruber      | Peterson    | Sykes       |
| Deeb          | Henderson   | Poston      | Vogt        |
| de la Parte   | Johnson     | Saunders    | Ware        |
| Firestone     | Johnston    | Sayler      | Williams    |
| Gallen        | Lane (23rd) | Scarborough | Wilson      |
| Gillespie     | Lewis       | Sims        | Winn        |
| Gordon        | McClain     | Smathers    | Zinkil      |

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

**SB 712**—A bill to be entitled An act relating to the Florida agricultural and mechanical university; providing an appropriation for dormitory renewal, replacement, renovation and repair; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote SB 712 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon      | Myers       | Smathers |
| Brantley      | Graham      | Peterson    | Sykes    |
| Childers      | Gruber      | Pettigrew   | Trask    |
| Deeb          | Henderson   | Plante      | Vogt     |
| de la Parte   | Johnson     | Poston      | Weber    |
| Firestone     | Johnston    | Saunders    | Williams |
| Gallen        | Lane (23rd) | Sayler      | Wilson   |
| Gillespie     | Lewis       | Scarborough | Winn     |
| Glisson       | McClain     | Sims        | Zinkil   |

Nays—None

On motions by Senator Weber, the House was requested to return House Bills 1932 and 1933.

**CS for HB 734**—A bill to be entitled An act relating to education; establishing a new formula for distribution of minimum foundation program funds; providing for supplements thereto, providing for the required local effort, providing for categorical program funds; providing for supplemental program funds; establishing a new transportation funding formula; establishing a management information system; establishing a hold harmless provision; establishing a capital outlay program to finance

K-12 public school construction; determining need; assuming local bonded indebtedness; providing a formula for allocating funds; providing for lease or lease-purchase agreements; requiring relocatable structures; providing for minimum standards for construction; providing an effective date.

—was taken up, together with pending Amendment 1.

Senator Sayler moved the adoption of the following amendment to Amendment 1 which failed:

**Amendment 1d**—In Section 5, subparagraph (a), 6 lines from bottom, strike "1973" and insert: 1972

On motion by Senator Graham the following amendment to Amendment 1 was adopted:

**Amendment 1e**—In Section 5, line 4 of paragraph (4)(a) before the word "cost" insert: actual

On motion by Senator Gordon the following amendment to Amendment 1 was adopted:

**Amendment 1f**—On page 13, line 5 of subparagraph 1 of paragraph (b) strike "computed" and insert: actual

On motions by Senator Williams the following amendments to Amendment 1 were adopted:

**Amendment 1g**—On page 18, line 11, insert: (m) Special instructional facilities of permanent construction needed to improve the instructional program at a school center but not necessarily to increase the pupil stations of the center.

**Amendment 1h**—On page 9, following paragraph (d) insert a new paragraph (e) to read:

(e) By the school fiscal year 1974-75, ninety (90) percent of the dollars earned by the districts will be spent in the programs and in the schools generating those dollars.

**Amendment 1i**—On page 20, line 11 of section 8 strike "twenty-two (22)" and insert: "twenty-four (24)"

On motion by Senator Peterson the following amendment to Amendment 1 was adopted:

**Amendment 1j**—On page 22, strike "Section 9 subsection (1) paragraph (i)" and insert: (i) Wherever possible the system shall also reduce the number and complexity of required reports, particularly at the school level.

Senator Gallen moved the adoption of the following amendment to Amendment 1:

**Amendment 1k**—Section 5 (4)(a), lines 7 through 10 strike all of lines 7, 8 and 9 and on line 10, strike the words: "school purposes,"

Amendment 1k failed by the following vote:

Yeas—15

|           |          |             |       |
|-----------|----------|-------------|-------|
| Brantley  | Glisson  | Sayler      | Trask |
| Firestone | Lewis    | Scarborough | Ware  |
| Gallen    | Peterson | Sims        | Weber |
| Gillespie | Poston   | Stolzenburg |       |

Nays—17

|               |             |          |        |
|---------------|-------------|----------|--------|
| Mr. President | Gruber      | Smathers | Winn   |
| Barron        | Lane (23rd) | Sykes    | Zinkil |
| de la Parte   | McClain     | Vogt     |        |
| Gordon        | Pettigrew   | Williams |        |
| Graham        | Saunders    | Wilson   |        |

Amendment 1 as further amended was adopted.

The Committee on Ways and Means offered the following title amendment which was adopted on motion by Senator Gordon:

**Amendment 2**—On page 1, strike all of lines 3 through 16 in insert: A bill to be entitled An act relating to education;

establishing the Florida educational finance program; providing for current operation allocations; providing for district required local effort; providing for transportation allocations; providing for comprehensive school construction and debt service allocations; providing for the state share of the Florida educational finance program; establishing a no-loss guarantee; providing an instruction unit definition for allocation of capital outlay and debt service funds; amending §§236.02, 236.04, 236.07 and 236.13, 1972 Supplement to Florida Statutes; repealing §236.01, Florida Statutes, §§236.03, 236.05, 236.08 and 236.09, 1972 supplement to Florida Statutes, and Chapter 72-283, Laws of Florida; deleting conflicts and amending inconsistencies in existing law; amending sections 228.041(19) to include a definition of exceptional students; amending section 230.23(4)(m) by adding duties to the school board relating to exceptional students; providing an effective date.

On motion by Senator Gordon CS for HB 734 as amended was read the third time by title and passed. The vote was:

Yeas—34

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Gruber      | Plante      | Vogt     |
| Barron        | Henderson   | Poston      | Ware     |
| Brantley      | Johnson     | Saunders    | Weber    |
| de la Parte   | Johnston    | Scarborough | Williams |
| Firestone     | Lane (23rd) | Sims        | Wilson   |
| Gillespie     | Lewis       | Smathers    | Winn     |
| Glisson       | McClain     | Stolzenburg | Zinkil   |
| Gordon        | Peterson    | Sykes       |          |
| Graham        | Pettigrew   | Trask       |          |

Nays—2

Gallen Sayler

By unanimous consent Senators Childers and Lane (31st) were recorded as voting yea.

The bill with amendments was delivered to the engrossing clerk.

**SB 1090**—A bill to be entitled An act relating to tax on sales, use and other transactions; amending section 212.08 (7), Florida Statutes, by adding paragraph (i) to exempt the building, maintenance, and repair of vessels of over 200 gross registered tons which are engaged in foreign and interstate commerce from tax imposed by chapter 212, Florida Statutes, providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Graham:

**Amendment 1**—On page 1, strike all of line 23 after the word "commerce" and all of line 24 and insert: a period (.)

Amendment 1 failed by the following vote:

Yeas—16

|             |             |             |          |
|-------------|-------------|-------------|----------|
| de la Parte | Lane (23rd) | Saunders    | Ware     |
| Firestone   | Lewis       | Sayler      | Williams |
| Gallen      | Pettigrew   | Stolzenburg | Wilson   |
| Graham      | Poston      | Vogt        | Winn     |

Nays—18

|          |          |             |        |
|----------|----------|-------------|--------|
| Barron   | Gruber   | Plante      | Trask  |
| Brantley | Johnson  | Scarborough | Weber  |
| Childers | Johnston | Sims        | Zinkil |
| Deeb     | McClain  | Smathers    |        |
| Glisson  | Peterson | Sykes       |        |

On motion by Senator Scarborough, by two-thirds vote SB 1090 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—21

|               |          |             |        |
|---------------|----------|-------------|--------|
| Mr. President | Glisson  | Poston      | Trask  |
| Barron        | Gruber   | Sayler      | Winn   |
| Brantley      | Johnson  | Scarborough | Zinkil |
| Childers      | Johnston | Sims        |        |
| Deeb          | McClain  | Smathers    |        |
| Firestone     | Peterson | Sykes       |        |

## Nays—13

|             |             |          |        |
|-------------|-------------|----------|--------|
| de la Parte | Lewis       | Vogt     | Wilson |
| Gallen      | Pettigrew   | Ware     |        |
| Graham      | Plante      | Weber    |        |
| Lane (23rd) | Stolzenburg | Williams |        |

By unanimous consent, Senator Lane (31st) was recorded as voting Yea; Senator Saunders was recorded as voting Nay.

SB 462—A bill to be entitled An act relating to excise tax on documents; amending section 201.17(b), Florida Statutes, to provide penalties for failure to pay tax required; amending section 217.17, Florida Statutes, by adding new subsections (3) and (4) to provide that interest shall be added to the amount of tax due for failure to timely remit, and providing that the department of revenue may compromise penalties; providing an effective date.

—was read the second time by title.

On motion by Senator McClain the following title amendment was adopted:

Amendment 1—On page 1, line 5 strike "201.17(b)" and insert: 201.17(2)(b) and on page 1, line 7, strike "217.17" and insert: 201.17

On motion by Senator McClain, by two-thirds vote SB 462 as amended was read the third time by title, passed and ordered engrossed. The vote was:

## Yeas—32

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Pettigrew   | Sykes    |
| Barron        | Gruber      | Plante      | Vogt     |
| Brantley      | Johnson     | Poston      | Ware     |
| Childers      | Johnston    | Saunders    | Weber    |
| de la Parte   | Lane (23rd) | Sayler      | Williams |
| Firestone     | Lewis       | Sims        | Wilson   |
| Gallen        | McClain     | Smathers    | Winn     |
| Gillespie     | Peterson    | Stolzenburg | Zinkil   |

## Nays—None

By unanimous consent Senator Lane (31st) was recorded as voting yea.

SB 593 was taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for SB 593—A bill to be entitled An act relating to sewage treatment facilities; amending §403.088(5), Florida Statutes, adding paragraph (c) thereto; providing an exemption from the prohibition for good faith efforts to improve treatment facilities; providing for continued operation by such facilities under the supervision and inspection of the department of pollution control; providing an effective date.

—which was read the first time by title and SB 593 was laid on the table.

On motion by Senator Poston, by two-thirds vote CS for SB 593 was read the second time by title.

On motion by Senator Sayler the following amendment was adopted:

Amendment 1—On page 2, line 16 strike "may" and insert: shall

Senator Sayler moved the adoption of the following amendments which failed:

Amendment 2—On page 2, line 2 strike "1975" and insert: 1974

Amendment 3—On page 1, line 27, strike "exempted completely or partially" and insert: partially exempted

On motion by Senator Poston, by two-thirds vote CS for SB 593 as amended was read the third time by title, passed and ordered engrossed. The vote was:

## Yeas—19

|          |             |          |       |
|----------|-------------|----------|-------|
| Barron   | Gruber      | Peterson | Trask |
| Brantley | Johnson     | Poston   | Vogt  |
| Childers | Johnston    | Sims     | Weber |
| Deeb     | Lane (23rd) | Smathers | Winn  |
| Glisson  | Lewis       | Sykes    |       |

## Nays—17

|               |             |             |        |
|---------------|-------------|-------------|--------|
| Mr. President | Gordon      | Pettigrew   | Wilson |
| de la Parte   | Graham      | Sayler      | Zinkil |
| Firestone     | Henderson   | Stolzenburg |        |
| Gallen        | Lane (31st) | Ware        |        |
| Gillespie     | McClain     | Williams    |        |

Consideration of SB 296 was deferred.

HCR 1039—A concurrent resolution for the approval and adoption of the initial guidelines and standards as approved and adopted by the administration commission pursuant to section 380.06(2), Florida Statutes, to be used in determining whether particular developments shall be presumed to be of regional impact, pursuant to section 380.10, Florida Statutes.

—was read the second time in full. On motion by Senator Henderson, HCR 1039 was adopted and certified to the House. The vote was:

## Yeas—29

|               |             |           |          |
|---------------|-------------|-----------|----------|
| Mr. President | Henderson   | Pettigrew | Ware     |
| Brantley      | Johnson     | Poston    | Williams |
| Childers      | Johnston    | Sayler    | Wilson   |
| de la Parte   | Lane (31st) | Sims      | Winn     |
| Firestone     | Lane (23rd) | Smathers  | Zinkil   |
| Gillespie     | Lewis       | Sykes     |          |
| Graham        | McClain     | Trask     |          |
| Gruber        | Peterson    | Vogt      |          |

## Nays—2

|         |             |
|---------|-------------|
| Glisson | Stolzenburg |
|---------|-------------|

By unanimous consent Senator Deeb was recorded as voting yea.

SCR 619 was laid on the table.

SB 945—A bill to be entitled An act relating to the Savings Association Act, amending Chapter 665, Florida Statutes, by adding Sections 665.701 through 665.717, Florida Statutes, authorizing the incorporation of savings and loan associations which have the power to issue capital stock; authorizing existing mutual associations to convert to capital stock associations; requiring a plan of conversion and providing guidelines for the department to follow in approving or disapproving the plan; providing for a hearing on the plan of conversion; requiring prior approval of department before acquiring control over a capital stock association; imposing restrictions on the acquisition of ownership or control of capital stock associations; providing for inconsistent provisions of this chapter; amending Section 665.021, Florida Statutes, by adding new definitions and amending existing definitions; amending Section 665.041, Florida Statutes, to refer to Section 665.701, Florida Statutes, which empowers a savings and loan association to issue capital stock; providing permissible characteristics of capital stock; provid-

ing for stockholders meetings; providing for directors and specifying their qualifications; providing for minimum capital of new and converted capital stock associations; empowering capital stock associations to accept savings deposits; imposing limitations on dividends; reserving Sections 665.718 through 665.799 for future capital stock savings and loan association legislation; providing effective dates.

—was read the second time by title.

On motion by Senator Brantley the following amendment was adopted:

**Amendment 1**—On page 31, line 18 insert: after the period (.) Provided, however, no conversion to stock by an existing savings and loan association shall be permitted until January 1, 1975.

On motion by Senator Gordon the following title amendment was adopted:

**Amendment 2**—On page 1, line 20, strike “, Florida Statutes, by” and insert: “(6) and (13) Florida Statutes, and adding subsection (25) to said section,” and in the title, on page 1, line 22, after the semicolon, insert: “amending section 665.031 (5), Florida Statutes, relating to decision by department,” and in the title, on page 1, line 22, after “665.041” insert: “(1)” and in the title, on page 1, line 25, after the semicolon, insert: “amending section 665.331, Florida Statutes, relating to earnings,” and on page 2, line 11, strike “665.703,” and on page 8, line 28, strike “quorum” and insert: “quorum”

On motion by Senator Brantley, by two-thirds vote SB 945 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—28

|               |             |             |             |
|---------------|-------------|-------------|-------------|
| Mr. President | Glisson     | McClain     | Smathers    |
| Brantley      | Gordon      | Peterson    | Stolzenburg |
| Childers      | Graham      | Pettigrew   | Sykes       |
| de la Parte   | Gruber      | Poston      | Vogt        |
| Firestone     | Johnson     | Sayler      | Ware        |
| Gallen        | Lane (31st) | Scarborough | Wilson      |
| Gillespie     | Lane (23rd) | Sims        | Winn        |

Nays—3

Lewis Williams Zinkil

By unanimous consent Senators Weber, Johnston, Trask and Henderson were recorded as voting yea.

**HB 32**—A bill to be entitled An act relating to public schools; amending Section 231.39, Florida Statutes; by adding Subsection (3), authorizing maternity leave without pay for full-time instructional personnel; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was adopted on motion by Senator Graham:

**Amendment 1**—On page 2, lines 12 through 15 strike all of subsection (4)

On motion by Senator Graham, by two-thirds vote HB 32 as amended was read the third time by title and passed. The vote was:

Yeas—32

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Graham      | Peterson    | Sykes    |
| Barron        | Gruber      | Pettigrew   | Trask    |
| Brantley      | Henderson   | Poston      | Vogt     |
| Childers      | Johnson     | Sayler      | Ware     |
| de la Parte   | Lane (31st) | Scarborough | Weber    |
| Firestone     | Lane (23rd) | Sims        | Williams |
| Gallen        | Lewis       | Smathers    | Winn     |
| Gordon        | McClain     | Stolzenburg | Zinkil   |

Nays—None

By unanimous consent Senators Glisson, Johnston and Wilson were recorded as voting yea.

The bill with amendment was delivered to the engrossing clerk.

**HB 311**—A bill to be entitled An act to amend subsections (2) and (3) of Section 440.12, Florida Statutes, relating to workmen's compensation, by providing an increase in weekly benefits; and providing an effective date.

—was read the second time by title.

Senators Brantley, Barron, Winn, Childers, Gallen, Henderson, Plante, Scarborough and Lane (31st) offered the following amendment which was moved by Senator Scarborough:

**Amendment 1**—On page 1, line 12 strike all the language after the enacting clause and insert: Section 1. Paragraph (b) 2 of subsection (1) 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter unless the context clearly requires otherwise.—

(1) “Employment.”

(b) The term “employment” shall include:

2. All private employments in which ~~three~~ one or more employees are employed by the same employer.

Section 2. Subsection (4) of section 440.09, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) No compensation shall be allowed for the first seven days of the disability, except benefits provided for in section 440.13; provided, however, that if the injury results in disability of more than ~~twenty one~~ fourteen days compensation shall be allowed from the commencement of the disability.

Section 4. Subsections (2) and (3) of section 440.12, Florida Statutes, are amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after ~~June 30, 1972~~ June 30, 1973 shall not exceed ~~sixty six dollars per week~~ nor be less than twenty dollars per week; provided, however, that if the employee's wages at the time of injury are less than twenty dollars per week, he shall receive his full weekly wages; ~~and; further provided, that if his wages at the time of the injury exceed twenty dollars per week, compensation shall not exceed eighty dollars per week.~~

(3) The provisions of this section as amended effective July 1, 1951, shall govern with respect to disability due to injuries suffered prior to July 1, 1959; ~~and~~ the provisions of this section as amended effective July 1, 1959, shall govern with respect to disability due to injuries suffered after June 30, 1959, and prior to January 1, 1968. The provisions of this section as amended effective January 1, 1968, shall govern with respect to disability due to injuries suffered after December 31, 1967, and prior to July 1, 1970. The provisions of this section as amended effective July 1, 1970, shall govern with respect to disability due to injuries suffered after June 30, 1970 and prior to July 1, 1972; ~~and the provisions of this section as amended effective July 1, 1972, shall govern with respect to disability due to injuries suffered after June 30, 1972, and prior to July 1, 1973.~~

Section 5. Section 15 of chapter 440, Florida Statutes, is amended by adding a new subsection (10).

440.15 COMPENSATION FOR DISABILITY.—Compensation for disability shall be paid to the employee, subject to the limits provided in Section 440.12(2) as follows:

(10) *EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.*

(a) *Weekly compensation benefits payable under this chapter for disability resulting from injuries to an employee who becomes eligible for benefits under 42 U.S.C. §423, shall be reduced to an amount whereby the sum of (1) such compensation benefits payable under this chapter and (2) such total benefits otherwise payable for such period to the employee (had he not been entitled to benefits under this chapter) under 42 U.S.C. §423 and §402, does not exceed eighty per cent of the employee's average weekly wage. This reduction of compensation benefits shall not be applicable to any compensation benefits payable for any week subsequent to the week in which the injured worker reaches the age of sixty-two years.*

(b) *If the provisions of 42 U.S.C. §424a are amended to provide for a reduction or increase of the percentage of average current earnings that the sum of compensation benefits payable under this chapter and the benefits payable under 42 U.S.C. §423 and §402 can equal, the amount of the reduction of benefits provided in this subsection shall be reduced or increased accordingly.*

(c) *No disability compensation benefits payable for any week shall be reduced pursuant to this subsection until the Social Security Administration (1) determines the amount otherwise payable to the employee under 42 U.S.C. §423 and §402 and (2) the employee has begun receiving such social security benefit payments.*

Section 6. Subsections (1) and (2) of section 440.16, Florida Statutes, are amended to read:

(1) Actual funeral expenses not to exceed ~~five hundred dollars (\$500.00)~~ one thousand dollars.

(2) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased and in the following order of preference (subject to the limitation provided in §440.16(2)(c) below), but such compensation shall be subject to the limits provided in §440.12(2) and shall not exceed a ~~period of three hundred fifty weeks~~ ~~nor fifteen~~ twenty-five thousand dollars, and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, sixty percent of the average wage:

(a) To the widow if there is no child, ~~thirty-five~~ ~~sixty~~ percent of the average weekly wage, said compensation to cease upon her death or remarriage.

(b) To the widower if there is no child, ~~thirty-five~~ ~~sixty~~ percent during the continuance of dependency, said compensation to cease upon death, remarriage or the termination of dependency.

(c) To the widow or widower if there is a child or children, the compensation payable under paragraph (a) or (b) hereof, and, in addition, fifteen percent on account of each child; and in case of the death or remarriage of such a widow or widower or the termination of dependency of the widower, twenty-five percent for each child; provided, however, where the deceased is survived by a widow or widower and also a child or children, whether such child or children be the product of the union existing at the time of death or of a former marriage or marriages, the division may provide for the payment of compensation in such manner as to it may appear just and proper and for the best interests of the respective parties and in so doing may provide for the entire compensation to be paid exclusively to the child or children.

(d) To the child or children, if there is no widow or widower, twenty-five percent for each child.

(e) To the parents, twenty-five percent to each, such compensation to be paid during the continuance of dependency.

(f) To the brothers, sisters and grandchildren, fifteen percent for each brother, sister, or grandchild.

Section 7. Section 440.36, Florida Statutes, is amended by creating a new subsection (4) and renumbering and amending subsequent subsections to read:

#### 440.36 REPORTS: PENALTIES FOR VIOLATIONS.—

(4) *Every insurance carrier writing workmen's compensation insurance for employment covered under this chapter shall file with the division written notice within ten days after the issuance of a policy or contract of insurance or a renewal certificate.*

(4) (5) The mailing of any such report or notice and copy in a stamped envelope, within the time prescribed in subsection (1), ~~or~~ (2) or (4), to the division shall be in compliance with this section.

(5) (6) Any employer or carrier who fails or refuses to send any report or notice required of him by this section shall be subject to a civil penalty not to exceed one hundred dollars, for each such failure or refusal.

Section 8. Section 440.43, Florida Statutes, is amended as follows:

440.43 Penalty for failure to secure payment of compensation.—

Any employer required to secure the payment of compensation under this chapter who fails to secure such compensation shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083, and upon a complaint of the division being filed in the circuit court of the county in which said employer may be doing business, such employer may be enjoined from employing individuals and from conducting business until such payment for compensation has been secured; provided, however, that the employer, upon written notice from the division, shall have seventy-two (72) hours to secure such compensation prior to the filing of the complaint by the division. This section shall not affect any other liability of the employer under this chapter.

Section 9. This act shall become effective on July 1, 1973.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on HB 311.

Senator Barron moved that the Special Order Calendar for May 30 would be the bills remaining on the Special Order Calendar for this day with the addition of HB 1915 as the third bill. The motion was adopted by two-thirds vote.

Senator Pettigrew moved the adoption of the following amendment to Amendment 1 which failed:

**Amendment 1a**—On page 4, line 19, strike the word "twenty-five" and insert: forty-five

The vote was:

#### Yeas—15

de la Parte  
Firestone  
Gillespie  
Glisson

Gordon  
Graham  
Johnston  
Myers

Pettigrew  
Scarborough  
Sykes  
Vogt

Ware  
Wilson  
Zinkil

#### Nays—23

Mr. President  
Barron  
Brantley  
Childers  
Deeb  
Gallen

Gruber  
Lane (31st)  
Lane (23rd)  
Lewis  
McClain  
Peterson

Plante  
Poston  
Saunders  
Sayler  
Sims  
Smathers

Stolzenburg  
Trask  
Weber  
Williams  
Winn

Amendment 1 was adopted.

Senators Brantley, Winn, Childers, Barron, Gallen, Henderson, Plante and Scarborough offered the following amendment which was adopted on motion by Senator Brantley:

**Amendment 2**—On page 1, strike lines 3 through 10 and insert: A bill to be entitled An act relating to workmen's compensation; amending subsection (1) (b) 2 of section 440.02, Florida Statutes, extending coverage to all private employment of one or more; repealing subsection (4) of section 440.09, Florida Statutes, removing the provisions relative to the general reduction in pension benefits by the amount of workmen's compensation being paid; amending subsection (1) of section 440.12, (as amended by chapter 72-198, Laws of Florida) Florida Statutes, setting retroactivity of payment of compensation for disabilities lasting more than fourteen days; amending subsections (2) and (3) of section 440.12; creating subsection (10) of section 440.15, Florida Statutes; amending subsections (1) and (2) of section 440.16, Florida Statutes, by

providing maximum benefit amounts; providing funeral and death benefits; providing for benefits under Section 440.15, Florida Statutes, and the Federal Old-Age, Survivors, and Disability Insurance Act; amending section 440.36, Florida Statutes, by creating a new subsection (4) to require insurance carriers writing workmen's compensation insurance to file notice of policies written or renewed within ten days; renumbering and amending subsequent subsections to provide a manner in which to comply with the filing requirement and to provide a penalty for failure to timely file notice; amending section 440.43, Florida Statutes, providing for the enjoining of an employer who has failed to secure workmen's compensation coverage from employing individuals or conducting business; providing an effective date.

On motion by Senator Brantley, by two-thirds vote HB 311 as amended was read the third time by title and passed. The vote was:

## Yeas—38

|               |             |             |          |
|---------------|-------------|-------------|----------|
| Mr. President | Gordon      | Pettigrew   | Trask    |
| Barron        | Graham      | Plante      | Vogt     |
| Brantley      | Gruber      | Poston      | Ware     |
| Childers      | Johnston    | Saunders    | Weber    |
| Deeb          | Lane (31st) | Sayler      | Williams |
| de la Parte   | Lane (23rd) | Scarborough | Wilson   |
| Firestone     | Lewis       | Sims        | Winn     |
| Gallen        | McClain     | Smathers    | Zinkil   |
| Gillespie     | Myers       | Stolzenburg |          |
| Glisson       | Peterson    | Sykes       |          |

Nays—None

The bill with amendments was delivered to the engrossing clerk.

On motion by Senator Williams, HB 675 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Barron, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 29, 1973

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Turlington, Ogden, and Crabtree as conferees on the part of the House for HB 1331.

*Allen Morris, Clerk*

The Journal of May 28 was corrected and approved.

The Journal of May 25 was further corrected as follows and approved:

Page 566, column 1, line 30, strike "§3" and insert: §8

The Journal of May 24 was further corrected as follows and approved:

Page 515, counting from the bottom of column 1, between lines 12 and 13 insert: On motion by Senator Barron the following title amendment was adopted: Amendment 5—On page 1, line 20, after the semi-colon insert: amending section 627.738, Florida Statutes, by adding subsection (6) to said section, providing that no commercial vehicle or mobile equipment shall be exempt from tort liability;

Page 516, counting from the bottom of column 2, line 1, strike "§5" and insert: §95

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:26 p.m. to reconvene at 9:00 a.m., May 30, 1973.